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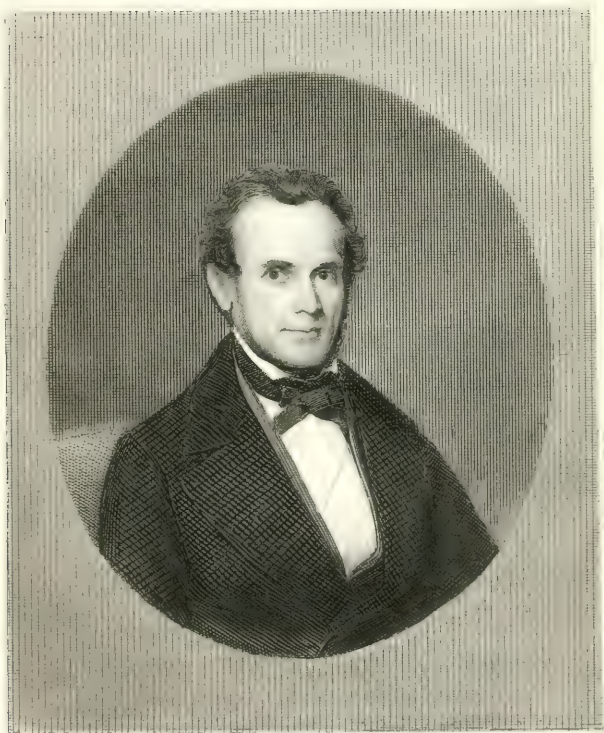
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J. Butler King



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## PREFACE.

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**T**HE history of Internal Improvements, to which the main portion of the following pages is given up, has excluded many matters of interest, biographical and political, connected with both houses of Congress, which were designed for the present volume. The importance of the question leaves us, personally, no cause to regret this result.

We feel that our acknowledgments are due for the general spirit of kindness, public and personal, in which our first volume has been received. Accepting gratefully these tokens of confidence, we shall not fail to regard them as additional incentives to an honorable and faithful accomplishment of the object to which we are pledged.

THE AUTHOR.

NEW YORK, November 1st, 1848.



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# HISTORY OF CONGRESS.



# HISTORY OF CONGRESS.

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KING, THOMAS BUTLER:

**A** PROMINENT and influential member of the Whig party, whose name has become identified with the creation of a new era in the mercantile and military marine of the United States.

He was born in Hampden (formerly Hampshire) county, in the State of Massachusetts, on the 27th of August, 1804. His parents died, within short intervals of each other, while he was yet very young. He was educated partly at Westfield Academy, and partly under private tuition, until his fifteenth year, when he was transferred to the care of an older brother, Stephen Clay King, at that time an extensive merchant in Pennsylvania. Here he pursued his studies for several years, at the same time assisting his brother in his business operations.

At the age of eighteen he entered the law-office of Mr. Maltery, at Wilkesbarre, under whose instruction, united with that of Henry King, another brother residing at Allentown, with whom he also spent a portion of his time, he completed his studies.

In the mean time, his brother Stephen had removed to the State of Georgia, and become a planter, in the county of Glynn, whither, in the autumn of 1823, T. Butler King, being in feeble health, accompanied him. Change of climate and out-door pursuits restored him speedily.

In December of the following year he was married to Anna Matilda Page, an heiress, and the only daughter of Major William Page, of St. Simon's Island, a large planter, and a gentleman of noble disposition and qualities, who had served as a captain in the Revolutionary army.

After the young people became engaged, the major exacted a pledge from Mr. King that he would abandon the profession of the law, a contingency upon which much of his subsequent course in life has depended.

Within the space of some fourteen months, the father and mother of the lady both died, leaving the entire property to Mr. King and his wife. The father settled about one third of the estate upon his daughter, placing the residue exclusively at the disposal of his son-in-law.

After his marriage, Mr. King had adopted the pursuit of planter and agriculturist. He adheres to it now. Of an active and energetic mind, and incapable of leading an idle life, he gave his personal attention for a number of years to his own concerns, declining even to employ white managers or overseers of plantations. His drivers kept plantation accounts in figures, which were rendered every week, and personally settled by him. He owned four plantations, the most remote of which was forty-five miles distant. At each of these he remained a week; and in this manner, simply with the aid of the most intelligent of his negro servants, who acted as head men, he conducted all his affairs.

He is represented to have been remarkably successful in all his planting operations, and so active and industrious in his habits, that for years he regularly rose and dressed by candle-light. In 1831 he built a very large establishment in the pine lands of Wayne county, described as a more splendid residence than any then existing in that part of the country, where his family, for a number of years, retired for the summer. At this time, the income from his crops averaged the sum of twenty thousand dollars a year.

In 1836 he purchased, at high prices, the property in the county of Camden known as the Middleton Barony, consisting of ten thousand acres of land. His purchases were regarded by himself and his creditors as equivalent merely to the returns of his estates for two years. He had, at the same time, so increased his planting operations, that a good return of crops would have raised his income to forty thousand dollars per annum; but in the month of August, 1837, a violent hurricane destroyed all his crops—of cotton and of rice—together with the subsistence of the plantations. This was the mere commence-

ment of a long series of reverses. In the three following years, 1838, 1839, and 1840, the crops were destroyed by caterpillars.

During the whole of this time the interest on Mr. King's purchases and obligations had continued. The increased expense of keeping up so large an estate which gave no returns, and, finally, the revulsions which had every where swept over the commerce and business of the country, rendered it necessary for him to give up his property, his wife's estate alone remaining unembarrassed.

In the spring of 1842 he delivered up all his estates. They were sold for a mere song. Property to the amount of half a million of money was sacrificed for less than one fourth of its value. He believed his pecuniary destruction to have been decreed, but he has been heard to say that all his difficulties and embarrassments never caused him the loss of an hour's sleep. He was a member of the national House of Representatives at the time these difficulties reached their climax, and left Washington with the intention of resigning his seat, that he might superintend their final arrangement. The cause of his absence was well known there, though, so far as any outward indications on his own part were concerned, it never could have been conjectured. He remained absent for the space of four months, his purpose of resignation having been set aside by the remonstrances alike of his friends and creditors. We have stepped a little out of the regular line of dates in respect to other matters, that we might trace this portion of our narrative to its issue. As appropriate to it, we may add, that, under the provident management of Mr. King, his wife's portion of her deceased father's property has been made, it is understood, to yield an income of ten thousand dollars a year, with a prospect of rapid improvement.

In the year 1832, without any purpose of commencing a political career, or remaining in political life, Mr. King became a candidate for the Senate of Georgia, and was elected a member of that body. At the ensuing session of the Legislature, he and some sixteen others, out of ninety-two members of the Senate, took ground against the administration of General Jackson. Thus was formed the nucleus of that which ultimately became the Whig party of the State of Georgia. A speech made by Mr. King upon the right of that state to extend her jurisdic-

tion over the Cherokee country, and which was extensively published in the newspapers, gave him much reputation. That gentleman and three or four other senators employed and paid a reporter, whose services had been engaged from Washington, and through whose instrumentality their speeches, which gave character to the opposition to the administration, were thrown before the country. We have stated this fact with some minuteness, because it is worthy of remark that no reporter had officiated there before. Thus what should have been the beacon-lights of the State of Georgia may be said for long years to have "made no sign" to illumine the surrounding darkness. The session was a stormy and exciting one, but was the means of uniting the party which had been known as the old Troup, or State Rights party in Georgia, in opposition to the administration of General Jackson.

In May, 1833, a convention was called at Milledgeville, the object of which was to provide for the reduction of the number of senators and representatives in the General Assembly of the state. Of this convention Mr. King was elected, without opposition, a member from the county of Glynn, in which he resided; and he bore an active part in its deliberations. He was also again nominated for the Senate, but declined being a candidate. In 1834, however, he was again elected by an increased majority of the party which was still known as the Troup party.

In December of the same year, the leading newspaper of the state, "The Georgia Journal," belonging to Messrs. Prince and Ragland, which was attached to the Troup party, were offered for sale, and apprehensions were entertained that it would fall into the hands of the Clarke party, which became subsequently, and now is, the Democratic party of Georgia. To prevent a result which it was believed would have been disastrous, it was requisite to find some one or more persons willing to stand security for Messrs. S. & W. Rockwell, who proposed to make the purchase, and continue to conduct the paper on the principles, and in support of the policy, of the Troup party.

The purchase was made. Mr. King became security for the payment of the purchase money, which ultimately involved him in the loss of some fourteen thousand dollars. The press thus secured contributed largely to the success of the Troup, or, as



it afterward became, the Whig party in 1836, when the state voted for Judge White, and was, in fact, one of the principal means of building that party up.

It was the custom of the party at that time to nominate candidates for Congress by legislative caucus, and the elections were held under what is known as the general ticket system.

In June, 1835, a convention of the party assembled at Milledgeville for the purpose of nominating a candidate for the presidency. Mr. King was a delegate. The nomination was given to Judge White, of Tennessee, and active preparations were made to secure a successful result.

In December of the same year, Mr. King was placed on the Congressional ticket in opposition to the Van Buren, or Jackson party, as it was then called. The ticket was defeated by a small majority, but the state was carried for Judge White, as we have said, in opposition to Mr. Van Buren.

In 1835 Mr. King was again a candidate for the Senate, and was returned without opposition.

The spirit of internal improvement had been awakened in the state at that time, and Mr. King was active in procuring grants of liberal charters to rail-road companies. He was successful in obtaining one, among others, which was under his own control, for the construction of a rail-road from the harbor of Brunswick, in Georgia, to the Apalachicola River, with a view of securing a rail-road communication from the Atlantic to the Gulf of Mexico.

In the spring of 1836, on account of declining health, he visited Boston. At that time two companies were formed there, one for the purpose of making a canal from Brunswick Harbor to the Altamahaw River, and the other to construct a rail-road from the town of Brunswick, Georgia, to the Apalachicola River, with the design of extending it thence to St. Andrew's Bay, or Pensacola, on the Gulf of Mexico. Large amounts of stock were subscribed. Mr. King was made president of both these companies, and, in accordance with the plan marked out by the board of directors, sent out two corps of engineers, one to survey the route for the canal, the other for the rail-road. The operations on the canal were commenced immediately, and were prosecuted with great vigor. The surveys for the rail-road demonstrated that the route contemplated was most favor-

able for the object, and that the road could be made over a country almost level. But the revulsions in the monetary concerns of the country in the spring of 1837 caused a suspension of operations on the road. The work on the canal was prosecuted for some time longer, when that, also, was finally abandoned. Mr. King discharged the duties of president of both these corporations until the period of the suspension of operations, without compensation. They had been made the basis, by the subscribers to the stock, of speculations in the town property of Brunswick. In these speculations he had neither part nor interest. On the contrary, he is known to have expended a heavy amount of money in those undertakings, the great object he had in view being the promotion of the internal improvements of the state, and, most especially, the opening of a rail-way communication from the Atlantic to the Gulf of Mexico.

During the summer of 1836, the question was agitated of a rail-road from some point in the upper counties of Georgia, through the ranges of the Alleghany Mountains, to the Tennessee River, with a view to its ultimate extension to Nashville and St. Louis, and to the connection of the railways of the northwestern and southwestern states. Mr. King was chosen a member of a convention which was to assemble at Macon for the purpose of taking the subject into consideration. At that time he was engaged in the direction of the affairs of the Boston companies, to which we have adverted. He left that city, and, traveling night and day, arrived at Macon on the morning on which the Convention assembled. He participated in its deliberations, and gave his cordial aid in favor of the measures which it adopted, recommending to the Legislature and the people of the state the construction of the road. The Legislature yielded to the recommendations of the Convention, and the road is nearly completed. It furnishes a rail-way communication from the Atlantic at Savannah to the Tennessee River. It is believed that the day is not far distant when it will be extended, as originally contemplated, so as to connect with the cities and rail-ways of the Western States. It is said that his influence contributed greatly to the successful result of these measures before the Legislature.

In 1837 Mr. King was again returned to the state Senate without opposition. He took a zealous part in the promotion

of the cause of internal improvement in the state, and made a report on that subject which attracted much attention, as well beyond the borders of the state as within them, and is spoken of as a very able paper. It was circulated extensively in and out of the state, and especially in the State of Massachusetts, which then was prosecuting her western rail-road.

At the legislative caucus of 1837 Mr. King was again nominated for Congress. About that time the Troup party assumed the name of Whig, and became *the* Whig party of Georgia, united to the great Whig party of the Union. The entire Congressional ticket was subsequently elected. During the summer of 1838, the rail-road scheme from Brunswick to the Gulf of Mexico, which, as we have stated, had been suspended, was revived. A large amount of stock was subscribed by the citizens of Georgia, and Mr. King was directed to complete the survey and location of the route. This was accomplished during the ensuing winter of 1838-9. In the spring of the latter year he visited New Orleans, at his own expense, for the purpose of enlisting in the undertaking the prominent men of that city, and of procuring information in respect to travel, transportation, and other matters.

In December, 1839, he took his seat as a member of the House of Representatives of the twenty-sixth Congress. He remained at his post until the settlement of that great controversy with the State of New Jersey, which for many weeks kept the popular body in a state of disorganization and confusion closely allied to revolution, and to a succinct history of which we propose to devote a portion of another volume. He then visited Georgia to attend the meeting of the subscribers to the stock of the Brunswick and Florida Rail-road Company. The company was organized, and he was chosen president. After giving the necessary directions for the survey and location of the route of the road, he resumed his seat in Congress.

When the nomination of General Harrison for the presidency, by the Harrisburg Convention, was announced—in December, 1839—the Whigs of the Legislature of Georgia, in caucus, passed a resolution that they would not support him. This, of course, placed the Whig representatives in Congress from that state in a very embarrassing position. Feeling the importance of sustaining the nomination as the only means of

defeating the re-election of Mr. Van Buren, Mr. King immediately took ground in support of General Harrison, whose nomination had furnished a pretext to three of his colleagues to go over to the opposite party, thus leaving only six of the nine representatives who had been returned as Whigs acting with the Whig party. Mr. King, with characteristic energy, purchased large quantities of documents—among others, twenty thousand copies of the life of General Harrison—and employed two clerks to direct them. In the space of four months he had franked upward of forty thousand documents to more than ten thousand citizens in all parts of the state.

On the 4th of May, 1840, he attended the Young Men's Convention which assembled at Baltimore to ratify the nomination of General Harrison, being the only representative in Congress from the State of Georgia who *did* attend it. He was invited to address the people in various parts of Maryland and Virginia in favor of General Harrison. He wrote a pamphlet in defense of the character and principles of the general, in reply to an attack made upon them by his then colleague, Mr. Colquitt, who had joined the Van Buren party. This pamphlet was signed by Mr. King and five other representatives of Georgia, and was sent forth as the production of that portion of the delegation. It was circulated extensively throughout the Southern country. After the adjournment of Congress he returned to Georgia, and entered with great spirit into the canvass, until he was finally prostrated with a fever which nearly cost him his life. In consideration of the services he had rendered, General Harrison is known to have indicated his wish that he should take a seat in the cabinet.

He was re-elected to the twenty-seventh Congress. Of the succeeding Congress—the twenty-eighth—he was not a member.

In June, 1843, he was a member of the Convention to nominate a Whig candidate for governor of the state. Mr. Crawford received the nomination, and the Convention also nominated Mr. Clay for President. Mr. King was appointed chairman of the State Central Committee, to organize the party for the canvass, which was successful in the election of Mr. Crawford.

Mr. King was also a delegate to the Convention held at Baltimore, which nominated Mr. Clay for the presidency, and, while absent, was nominated for the twenty-ninth Congress.



In March, 1844, he was invited to meet Mr. Clay at Columbus, and to travel with him through the State of Georgia. He received an official request to this effect through the committee at Columbus. He met Mr. Clay accordingly, and traveled with him through the various parts of Georgia through which he passed on his way to Savannah. Five hundred citizens were in attendance.

In the course of this canvass, Mr. King visited every county in his district, numbering eighteen, and traveled, in the most sickly season of the year, over a space of more than seventeen hundred miles. He also sustained the Whig cause, by his personal efforts, in different parts of New Jersey and Pennsylvania. He carried his own district, for himself, by upward of seven hundred majority; and the same district, in the presidential election, gave Mr. Clay upward of one thousand majority.

A controversy, growing out of the canvass, led to a hostile meeting between Mr. King and his political opponent, Mr. Spalding. After the exchange of two shots the affair was amicably adjusted.

Mr. King was nominated for the thirtieth Congress during his absence at Washington. He took no personal part in the canvass, owing to the state of his health; and, although his opponent canvassed the district, Mr. King was re-elected by a majority of between eleven and twelve hundred votes. He has recently been unanimously nominated by the Whigs of his district for re-election to the thirty-first Congress.

We should not omit to state that he was a member of the great Convention recently held at the city of Chicago, in the State of Illinois, on the subject of internal improvements, and that he was chosen one of the vice-presidents of that body. [See title, HISTORY OF INTERNAL IMPROVEMENTS.] The most expeditious route from his residence to Chicago is by way of New York, and the distance is two thousand five hundred miles. The State of Georgia was deeply interested in the important objects of the Convention; and Mr. King was chosen, at a meeting in Savannah, which, it is understood, was composed of men of all parties, to represent that state in its deliberations.

At an early period of his service in Congress, Mr. King directed his earnest attention to the subject of the naval defenses of the country, especially as connected with ocean steam navi-

gation. The position assigned to him in the twenty-sixth Congress, as a member of the Committee on Naval Affairs, furnished him additional facilities and motives for his investigations. That position he has retained through the several Congresses to which he has been elected, until, at the last session, he was placed at its head. "It is acknowledged," says a late writer in the *Southern Review*, "by the best informed officers of the navy, that no legislator in the land understands more of the navy, its wants, and of the true line of policy to be pursued with regard to it, than does the gentleman from Georgia, whose reports we have in review. It is acknowledged on all hands that the selection of Mr. King as chairman of the Committee on Naval Affairs was a good one, and that the committee itself is a most able one. Their labors have already been such as fairly to justify the expectations which the friends of this arm have formed of them. There will not, in all probability, be brought before the present Congress a paper of higher national interest than the report which that committee have instructed their chairman to bring in, in relation to a line of steamers, and increased facilities of communication with China. This is a document which, whether we look upon it in its bearings upon commerce and the channels of trade, upon the national defenses of the country, or upon our political relations, or whether we consider it as presenting a philosophical view of great and important questions—view it as we will, it must be regarded as an able state paper."

The first result of his researches was the production, at the first session of the twenty-seventh Congress, of that admirable state paper known as the "Home Squadron" Report, which is to be regarded as the basis of all the great movements toward a system of steam marine service which have subsequently received the sanction of all branches of the government.

Before according to this report, as, for the purposes of future reference, we propose to do, a durable habitation in these pages, we will present a brief account, based on statements furnished by Mr. King to the House of Representatives, of the condition of the navy under the "old system," as it is termed; of the rise and progress of ocean steam navigation, and of its present extent and condition.

In the year 1816, when the disasters which our commerce



had suffered during the war which had just closed were fresh in the public mind, there seemed to be but one common sentiment in the country in favor of the increase of the navy. It was apparent that, in any future contest which might arise, the great struggle would be upon the ocean; that as we were rapidly becoming one of the first, and should soon be *the* first, commercial power among the nations of the earth, a navy, in some degree at least, commensurate with the extent of our commerce, would be absolutely necessary for its protection; and that, aside from this, the very great extent of our coast on the Atlantic, the Gulf, and the Lakes, which no system of fortifications could render secure, would require naval armaments sufficiently powerful to harass and render insecure the approaches of an enemy, if not to defeat and destroy him.

With this view, Congress passed an act for the gradual increase and improvement of the navy, and one million of dollars was appropriated for that year. One million of dollars was also appropriated annually for the four subsequent years; and every year thereafter, until 1838, inclusive, there were appropriated five hundred thousand dollars; so that, during these twenty-three years, fourteen millions of dollars, besides the ordinary annual appropriations, were applied to the increase of the navy. The plan adopted was to build ships of a large class—chiefly frigates and seventy-fours—erect houses over them at a very large expense, and allow them to remain in an unfinished state until the exigencies of the service might require them to be put into commission. In several instances they were launched, and roofs thrown over them. It was supposed that those under cover, if left without calking, would remain for an almost indefinite period uninjured by dry rot. Time, however, proved that this expectation was not well founded, and that, in a few years, these vessels required extensive repairs, or almost to be reconstructed, before they could be launched or sent to sea. Those which had been placed in the water fared no better. They were subject both to wet and dry rot, and went to decay much sooner than they would have done if actually in commission.

The following are some of the results of this system, as gathered from authentic sources:

The "Ohio" was constructed in 1820. She lay in dock un-

til 1836, 37, and 38, during which years, before she had ever been at sea, she was thoroughly repaired, at a cost of \$253,846. This ship is also charged with repairs at Boston during the same three years to the amount of upward of \$233,000.

The ship "North Carolina" was built in 1818 to 1820, at Philadelphia, and was completed at Norfolk in 1825, at a cost of \$431,852. She is charged with repairs at Norfolk, in the same year, of \$65,222 46. She is also charged with repairs at Norfolk in 1835, only ten years afterward, of \$252,146 46; making a total for repairs, after having been in service only ten years, of \$317,628 92.

The ship "Delaware" was built at Norfolk in 1817 to 1820, at a cost of \$543,368. Her repairs cost, in 1827-8, \$70,105 27; in 1832-3, \$127,690 62; in 1836 to 1838, \$156,336 57; and in 1841, \$99,650 58: being a total for repairs in fourteen years of \$453,783 04.

There has already been expended on the "Vermont," \$213,053 19; on the "Alabama," \$268,756 30; on the "Virginia," \$184,341 65; on the "New York," \$219,795 53; making a total of \$672,846 48, for ships of the line that have not been launched, and which will probably be destroyed by dry rot before they will be required for service.

The ship "Pennsylvania" originally cost \$687,660 62; and, although never employed on sea service, she had, in 1841, cost in repairs \$34,625 90.

These are some of the fruits of the system adopted in 1816: a system which, it will be seen, is marked by this irremediable defect, that whatever amount might be expended in the *construction* of ships, they would soon require an equal amount to keep them in *repair* if placed in commission, and if allowed to remain on the stocks or in the water, they would in a few years go to decay. Mr. King has expressed his conviction that, for many years past, great abuses have existed in this branch of the public service; that it has been sustained at a cost to the country greatly disproportioned to the force employed; and that, if economically and properly administered, it might be increased and sustained at a cost far below the annual appropriations which have been made for the last twenty years.

It has been his object to substitute for this improvident plan of increasing the navy, another, which looked to the accom-

plishment of two great ends: first, to the establishment by private enterprise, under the auspices of the government, of as many lines of steam mail packets as our commercial intercourse will warrant and sustain. He thinks that in this way twenty-five to thirty steamers of the largest class might be employed, which would be kept in repair by the contractors, and be at all times liable to be taken into the service of the government at a fair valuation. It would be the interest of the contractors to adopt from time to time all the improvements which might be made in machinery and the means of propulsion. The government would thus avoid the expense of mistakes in machinery and construction. The vessels would contribute largely to the extension and increase of our commerce, and would be infinitely more efficient in protecting our coast, in the event of war, than all the fortifications we have constructed or might construct, at twenty times their cost.

The second end to be accomplished is that indicated in another report, submitted by Mr. King in 1846, from the Committee on Naval Affairs, to which we shall hereafter refer, and which looked to the construction of iron steam-ships, so modeled as to give the greatest practicable speed, and the machinery to be of the most perfect and powerful description.

The mail packets, it was proposed, should be commanded by naval officers, each carrying a sufficient number of midshipmen for watch officers; and thus a very considerable portion of the *personnel* of the service would be actively employed, and have the opportunity of acquiring the knowledge and skill requisite to the proper management of a steam navy.

We will now record some facts connected with the rise and progress of British ocean steam navigation.

By the Act of Parliament, 7th William IV., chapter 3, all previous contracts entered into by the post-office for the conveyance of the mails by sea were transferred to the Admiralty. Then commenced, under the auspices of the British government, the system of mail steam-packet service, which now forms so important a part of the mercantile marine of that country, and which, in case of necessity, will constitute, so far as the United States are concerned, the most formidable portion of the British navy.

In the year 1838, the successful passages of the "Sirius"

and "Great Western" from Liverpool to New York established the practicability of ocean steam navigation, which had been gravely contested by some of the most scientific men of both hemispheres. The success of this experiment opened a new and vast field of enterprise. It presented to the commercial world the idea of celerity and certainty in the movements of commerce hitherto unknown. To those intrusted with the national defense, it promised to render those vast expenditures required in naval armaments subservient to the purposes of commerce in time of peace.

In the year 1839, a contract was entered into with Mr. Cunard and his associates for the conveyance of the mails from Liverpool, via Halifax, to Boston, in five steamers of the first class, for eighty-five thousand pounds sterling, or about four hundred and twenty-five thousand dollars per annum. It was stipulated that they should be built under the supervision of the Admiralty, should be inspected on being received into the service, and certified to be capable in all respects of being converted into ships of war, and of carrying ordnance of the heaviest description. Various stipulations were entered into, in this and other contracts of a similar character, which placed these ships under the control of the government: thus, in fact, making them, to all intents and purposes, at the same time a part of the mercantile and military marine of the country.

Passing over the eight trips made by these steamers in 1840, we present the following statement:

*Statement of the probable Amount received by the Cunard Line of Steamers, from Passengers and for Letters and Papers, from 1841 to 1846 inclusive, and also of the Value of and Duties paid on package Goods imported in said Line during that Period. It is founded on statements received in March, 1847, from the Boston Custom-house and Post-office.*

In 1841, the number of passengers landed in Boston was 1433; the passenger money for that year amounted to .....	\$172,320
According to our estimate, the number who sailed from Boston to Liverpool is 1293; the passenger money amounted to .....	168,090
The amount paid by the British government for the transportation of the mail was .....	425,000
Making in that year, for these two items alone.....	\$765,410
In 1842, the number of passengers who landed in Boston was 1004; the passage money amounted to .....	150,600
The number of passengers for Liverpool was 904; passage money .....	117,520
Amount paid for mail.....	425,000

In 1843, the number of passengers landed in Boston was	
1146; passage money for them was .....	171,900
The number landed in Liverpool was 1032; the passage money was .....	134,160
Add amount for carrying mail .....	425,000
	<hr/>
	\$731,060
In 1844, the number of passengers landed in Boston was	
1590; passage money .....	238,500
Passengers landed in Liverpool, 1431; passage money .....	186,030
Received for mail .....	425,000
	<hr/>
	849,530
In 1845, the number of passengers landed in Boston was	
1823; passage money to Boston .....	273,450
Passengers landed at Liverpool, 1641; passage money .....	203,330
Paid for mail .....	425,000
	<hr/>
	901,780
In 1846 there were ten trips made, and the number of passengers to Boston was 1540; passage money .....	231,000
To Liverpool the number was 1386; passage money .....	180,180
Paid for mail .....	425,000
	<hr/>
	836,180
	<hr/>
	\$4,777,080

The whole amount received by the Cunard line for six years, for these two items alone, therefore, is four millions seven hundred and seventy-seven thousand and eighty dollars.

*The Value of Goods, including Specie, and the Amount of Duties paid, were as follows :*

In 1841, the value of goods was .....	\$769,684 00
Duties paid .....	73,809 23
In 1842, the value of goods was .....	1,730,770 00
Duties paid .....	120,974 67
In 1843, the value of goods was .....	9,300,632 00
Duties paid .....	640,572 05
In 1844, the value of goods was .....	4,443,695 00
Duties paid .....	916,198 30
In 1845, the value of goods was .....	4,026,332 00
Duties paid .....	1,022,992 75
In 1846, the value of goods was .....	4,444,999 00
Duties paid .....	1,054,731 75

The duties, it will be perceived, have increased from \$73,809 23 in 1841, to \$1,054,731 75 in 1846. The amount received for the transmission of the mail and passengers is entirely exclusive of that which they received for freight.

According to the estimates of the post-master at Boston, the number of letters from Boston to Liverpool is 30,000, and the number of newspapers 20,000; and he says an equal number is sent in the Canada mails.

The following statement shows the amount which the *British government* has received for postage on mailable matter carried in this line. The number of letters and papers is given as stated and estimated at the Boston post-office, the rate of postage being that charged in the New York packets. It is estimated that these steamers carry an average of 60,000 letters and 40,000 newspapers every trip, and that the postages amount to an average of \$31,600.



In 1841 the steamers made 21 voyages, or 42 trips, which will give from this source on mail matter alone .....	\$1,327,200
In 1842 they made 21 voyages, which, according to the same rate, amount to .....	1,327,200
In 1843 they made 20 voyages, and the amount received for the mail was .....	1,295,600
In 1844 they made 20 voyages, and the amount received for the mail was .....	1,295,600
In 1845 they made 21 voyages, and the amount received for the mail was .....	1,327,200
In 1846 they made 19 voyages, and the amount received for the mail was .....	1,264,000
Total amount for six years.....	7,836,800
Deducting from this sum the amount paid for the mail.....	2,550,000
It leaves a balance to the credit of the British government of .....	\$5,286,800

This statement is believed to be as nearly correct as possible. If there is an error, it can not be large enough to change the result. It is thus shown that the British government is not only repaid the amount disbursed, but that it receives a large amount of revenue from this source. In fact, it appears that the receipts would support *two more* lines at an equal cost.

The favorable results of this contract induced the British government, in the year 1846, to enlarge it by adding four ships to run from Liverpool to New York, and to increase the compensation to one hundred and forty-five thousand pounds sterling per annum. These last ships have just commenced their regular trips, and will, without suitable efforts on our part to compete with them, be amply supported, as their predecessors of the Boston line have been, by our commerce and intercourse with Great Britain.

In the year 1840, a contract was made by the Admiralty with the Royal Mail Steam Packet Company, at two hundred and forty thousand pounds sterling, or one million two hundred thousand dollars per annum, for fourteen steamers to carry the mails from Southampton to the West Indies, the ports of Mexico on the Gulf, and to New Orleans, Mobile, Savannah, and Charleston. These ships are of the largest class, and conform, in all respects concerning size and adaptation to the purposes of war, to the conditions prescribed in the Cunard contracts. They are to make twenty-four voyages, or forty-eight trips a year, leaving and returning to Southampton semi-monthly.

Another contract, we believe, has recently been entered into,

for two ships to run between Bermuda and New York. The West India line, in consequence of some disasters during the first years of its service, was relieved from touching at the ports of the United States; but in the spring of last year it was required to resume its communication with New Orleans, and is at any time liable to be required to touch at the other ports on our own coast which we have named. It will be perceived that this system of mail-packet service is so arranged as not only to communicate with Canada and the West Indies, the ports on the Spanish Main and the gulf coast of Mexico, but also to touch at every important port of the United States, from Boston to New Orleans.

These three lines employ twenty-five steamers of the largest and most efficient description, whose familiarity with our sea-ports and the whole extent of our coast would render them the most formidable enemies in time of war. It is scarcely possible to imagine a system more skillfully devised to bring down upon us, at any given point and at any unexpected moment, the whole force of British power. More especially true is this with respect to our *Southern* coast, where the great number of accessible and unprotected harbors, both on the Atlantic and the Gulf, would render such incursions comparatively safe to them and terrible to us. It is also to be borne in mind that the design of this system is, that it shall draw the means of its support from our own commerce and intercourse.

In addition to these, Great Britain has established the following lines:

First. From England to the East Indies and China; contract made the 1st of January, 1845, with the Peninsular and Oriental Steam Navigation Company, for the employment of seven steamers, at one hundred and sixty thousand pounds sterling, or eight hundred thousand dollars per annum. This line passes from Southampton, via Gibraltar and Malta, to Alexandria, in Egypt; thence the route continues overland to Suez, at the head of the Red Sea, from whence the steamers again start, touching at Aden, Bombay, and at Point de Galle, in the island of Ceylon, from whence they proceed to Singapore and Hong Kong. There is a branch line connecting with this from Point de Galle to Calcutta, touching at Madras.

Secondly. The Pacific line, from Valparaiso to Panama,



touching at intermediate ports, on which four steamers are employed; contract made 1st of July, 1846. This line connects overland, from Panama to Chagres, with the West India line.

Thirdly. The lines which have already been described as running between Great Britain and the Continent.

These, together with some lines of less importance, employ altogether eighty-seven steamers; besides which, there are employed in what is called the home service twenty-eight steamers of a smaller class, making a grand aggregate of one hundred and fifteen steamships.

In such a state of facts, it was the opinion of Mr. King that we should be wanting in the duty we owed to ourselves and to our country if we failed to adopt measures toward the establishment of such an American system of Atlantic steam navigation as would compete successfully with the British.

We recur now to that portion of Mr. King's public life which has most contributed to give distinction to it.

The *immediate* occasion of the "Home Squadron" Report was the belligerent aspect of the relations then existing between the United States and Great Britain. Several exciting causes were then at work, which seemed to portend a collision between the two countries at no distant day.

Among these was the destruction of the steamer "Caroline," and the threatened execution in the State of New York, as a consequence of that transaction, of Alexander M'Leod. In the month of December, 1839, Navy Island, situated in the River Niagara, and within the British border, was occupied by a party of Canadian rebels and a number of American allies, or "sympathizers," as they were then termed. On the twenty-ninth day of the month, an American steamboat, named the "Caroline," passed over to the island several times with men, provisions, and munitions of war. That night, as she lay moored to the wharf in the village of Schlosser, on the east side of the Niagara River, and within the territory of the United States, she was assailed, in the dead of night, by an armed party in boats from the Canadian side, boarded, towed into the current of the river, set on fire, and, having been there abandoned, soon descended the Falls of Niagara. One man, Amos Durfee, was killed on the shore; whether others shared the same fate on board the steamboat, or were otherwise destroyed in her, has never, we believe, been ascertained.

The affair threw the whole border line into commotion, and it seemed doubtful for a season whether our citizens could be restrained from revenging, by a resort to arms, this flagrant invasion of our territory. A military force was called out by the government to be posted on that frontier, and placed under the command of General Scott. The President of the United States, Mr. Van Buren, applied to the British government, through our minister at London, for explanation and redress; a demand which the British government did not meet.

As time passed on, a person of the name of Alexander M'Leod came over to the American side, and declared, truly or falsely, that he was one of the party who had boarded the *Caroline*, and that he had, with his own hand, put one of her people to death. He was apprehended and examined. The grand jury of the county of Niagara found a true bill against him for the murder of Amos Durfee, and he was put in prison to await his trial.

The matter now assumed a very grave aspect. It was universally believed that, had he been condemned and executed, no power on earth could have prevented immediate war between the two countries. The British minister resident at Washington, Mr. Fox, demanded M'Leod's release. The Secretary of State of the United States—at that time Mr. Forsyth—replied that M'Leod was in the hands of justice in the State of New York, and must await his deliverance in the regular course. Mr. Fox reported this answer to his government, and, in reply, was directed by Lord Palmerston again to demand formally, in the name of the British government, the immediate release of M'Leod.

The grounds upon which the British government made this demand were stated to be these: that the transaction on account of which M'Leod had been arrested, and was to be put upon trial, was a transaction of a public character, planned and executed by persons duly empowered by the British colonial authorities to take any steps and to do any acts which might be necessary for the defense of British territories and the protection of British subjects; and that, consequently, those persons who engaged in that affair were performing an act of public duty, for which they could not be made personally and individually answerable to the laws and tribunals of any foreign country. It was then asserted that it would be contrary

to the universal practice of civilized nations to fix individual responsibility upon persons who, with the sanction or by the orders of the constituted authorities of a state, engaged in military or naval enterprises in their country's cause, and that the introduction of such a principle would aggravate beyond measure the miseries, and would frightfully increase the demoralizing effects of war, by mixing up with national exasperation the ferocity of personal passions and bitterness of individual revenge.

The affair had now taken a new direction, by reason of the formal communication of the fact that the destruction of the "Caroline" was an act of public force by the British authorities. Mr. Webster had succeeded Mr. Forsyth in the Department of State. In his reply to Mr. Fox, he assents at once to the principle that, after the avowal which was now for the first time made that the capture of the Caroline was a public transaction, authorized and undertaken by the British authorities, individuals concerned in it ought not, by the principles of public law and the general usage of civilized nations, to be held personally responsible in the ordinary tribunals of law for their participation in it. But Mr. Webster adds, that it is in the United States of America as it is in Great Britain, whoever is in the custody of law must be delivered by process of law. In neither country can the arm of the executive power interfere, directly or forcibly, to release or deliver the prisoner. His discharge must be sought in a manner conformable to the principles of law and the proceedings of courts of judicature. If the indictment had been pending in one of the courts of the United States, the President, upon the receipt of Mr. Fox's last communication, would have immediately directed a *nolle prosequi* to be entered. But, as the matter stood, a different course of proceeding was required. If M'Leod should not be discharged by the state court in which he should be tried, the government would then take immediate steps for the removal of the case to the Supreme Court of the United States, the tribunal whose especial province it is, under the Constitution, to decide upon legal questions involved in the foreign relations of the country.

M'Leod was brought up, under a writ of *habeas corpus*, before the Supreme Court of the State of New York, and his discharge from imprisonment insisted on, upon the ground that if he

had any concern in the destruction of the *Caroline*, he had acted therein as a soldier, under the orders of his superiors, in a military expedition planned and authorized by the British colonial government of Canada, and afterward avowed and sanctioned by the queen's government in England. After a full hearing, the writ was dismissed, and M'Leod was remanded for trial. His subsequent acquittal arrested the danger of immediate war which then existed, and the controversy was settled in the course of the negotiations between Mr. Webster and Lord Ashburton, which preceded the Treaty of Washington. Mr. Webster, in July, 1842, called the attention of Lord Ashburton to it. Some correspondence ensued, and the difficulty was finally adjusted, by acknowledgments made on one side and accepted on the other, in the following manner :

“Although it is believed,” Lord Ashburton writes, “that a candid and impartial consideration of the whole history of this unfortunate event will lead to the conclusion that there were grounds of justification as strong as were ever presented in such cases, and, above all, that no slight of the authority of the United States was ever intended, yet it must be admitted that there was, in the hurried execution of this necessary service, a violation of territory ; and I am instructed to assure you that her majesty's government consider this as a most serious fact, and that, far from thinking that an event of this kind should be lightly risked, they would unfeignedly deprecate its recurrence. Looking back to what passed at this distance of time, what is, perhaps, most to be regretted is, that some explanation and apology for this occurrence was not immediately made ; this, with a frank explanation of the necessity of the case, might, and probably would, have prevented much of the exasperation, and of the subsequent complaints and recriminations to which it gave rise.

“Her majesty's government earnestly desire that a reciprocal respect for the independent jurisdiction and authority of neighboring states may be considered among the first duties of all governments ; and I have to repeat the assurance of regret they feel that the event of which I am treating should have disturbed the harmony they so anxiously wish to maintain with the American people and government.”

To which Mr. Webster replies :

"Seeing that the transaction is not recent, having happened in the time of one of my predecessors: seeing that your lordship, in the name of your government, solemnly declares that no slight or disrespect was intended to the sovereign authority of the United States: seeing that it is acknowledged that, whether justifiable or not, there was yet a violation of the territory of the United States, and that you are instructed to say that your government consider that as a most serious occurrence: seeing, finally, that it is now admitted that an explanation and apology for this violation was due at the time, the President is content to receive these acknowledgments and assurances in the conciliatory spirit which marks your lordship's letter, and will make this subject, as a complaint of violation of territory, the topic of no further discussion between the two governments."

And thus, some five years after the occurrence at Navy Island, the controversy terminated.

Other causes of difficulty and collision existed at the same time, the adjustment of which had been found exceedingly difficult, and, so far, impossible. Among these were the question of the northeastern boundary, the Oregon controversy, and the right of search. So critical did the state of things become, that, as is well known, Mr. Stevenson, at that time minister of the United States at the court of St. James, felt it to be his duty to make a communication to Commodore Hull, then in command of the American squadron in the Mediterranean, based upon the suggestion that the prospect of war was immediate. To be prepared for any emergency which might arise, the station for the British North American fleet had been removed from Halifax to the island of Bermuda, and the lines of mail steamers, already mentioned, had been established from Liverpool to Boston, and from Southampton to the West Indies: measures which seemed to demand some counteracting influence on our part. The Secretary of the Navy, Mr. Badger, as the report itself shows, recommended the organization of a squadron of this description. He says:

"Though it is presumed Congress will scarcely be willing to give attention to general matters unconnected with the object for which the extraordinary session of that body was convoked, yet recent events induce me to bring to your notice, with a



view to the action of Congress, two subjects as worthy of present consideration. The first is the establishment of a home squadron. While squadrons are maintained in various parts of the world for the preservation of our commerce, our own shores have been left without any adequate protection. Had a war with Great Britain been the result, as was at one time generally feared, of the subjects of difficulty now in the course of adjustment between that power and the United States, not only would our trade have been liable to great interruption, and our merchants to great losses abroad, but a naval force, comparatively small, might, on our very shores, have seized our merchant ships and insulted our flag, without suitable means of resistance or immediate retaliation being at the command of the government. To guard against such a result—to be ever ready to repel or promptly to chastise aggressions upon our own shores, it is necessary that a powerful squadron should be kept afloat at home. This measure is recommended by other considerations. There is no situation in which greater skill or seamanship can be exercised and acquired than on the coast of the United States, and in no service would our officers and seamen become more thoroughly initiated in all that is necessary for the national defense and glory. In that service, aided by the coast survey now in progress, a thorough acquaintance would be gained with our own sea-coast, extensive, and hitherto but imperfectly known: the various ports would be visited; the bays, inlets, and harbors carefully examined; the use to which each could be made available during war, either for escape, defense, or annoyance, be ascertained, and the confidence resulting from perfect knowledge would give to us, what we ought surely to possess, a decided advantage over an enemy on our own shores. Should it be thought desirable that such a squadron be put in commission immediately and kept constantly on duty, an additional appropriation may be necessary; for the amount of which, as well as the force deemed proper to be employed, I beg to refer to the accompanying report on the subject, prepared under my directions by the Board of Navy Commissioners.”

The report merits the attention of every reader, and is as follows:



*"The Committee on Naval Affairs, to whom was referred so much of the President's Message and accompanying documents as relates to the Navy, ask leave to report on the expediency of providing for the support of a Home Squadron, as recommended in the report of the Secretary of the Navy.*

"The changes which the introduction of steam power has already effected, and is constantly producing, in the naval armaments of the maritime powers of Europe, evidently require the most prompt and efficient action on the part of the government of the United States to meet this new and powerful auxiliary in naval warfare, by so changing the construction and employment of our navy as most effectually to protect our commerce and guard our sea-coast against the sudden approach of an enemy employing this new and formidable description of force; and it is the opinion of the committee that no measure is more imperiously demanded, by every consideration of prudence and safety, than that recommended in the report of the secretary—the employment of a home squadron, composed in part of armed steamers. He very justly remarks that, 'had a war with Great Britain been the result, as was at one time generally feared, of the subjects of difficulty now in a course of adjustment between that power and the United States, not only would our trade have been liable to great interruptions, and our merchants to great losses abroad, but a naval force comparatively small might, on our very shores, have seized our merchant ships and insulted our flag, without suitable means of resistance or immediate retaliation being at the command of the government. To guard against such a result, to be ever ready to repel or promptly to chastise aggression upon our own shores, it is necessary that a powerful squadron should be kept afloat at home. This measure is recommended by other considerations. There is no situation in which greater skill or seamanship can be exercised and acquired than on the coast of the United States, and in no service would our officers and seamen become more thoroughly initiated in all that is necessary for the national defense and glory. In that service, aided by the coast survey now in progress, a thorough acquaintance would be gained with our own sea-coast, extensive, and hitherto but imperfectly known; the various ports would be visited; the bays, inlets, and harbors carefully examined; the uses to which each could be made available during war, either for escape, defense, or annoyance, be ascertained, and the confidence resulting from perfect knowledge would give to us, what we ought surely to possess, a decided advantage over an enemy on our own shores.'

"In addition to the excellent and comprehensive view presented by the secretary, the committee beg leave to submit a few observations in regard to the present state of our sea-coast defenses, their efficacy in case of war, and the measures now being adopted by Great Britain and France to change their naval armaments from the common vessels of war to armed steamers. It is a fact almost too notorious for remark here, that our fortifications are in a most inefficient condition. Many of those that have been completed are not supplied with cannon; others are going rapidly to decay; some are unfinished, and progressing so slowly that it will require many years to complete them; none of them are properly garrisoned, and some have not a man to keep the gates closed.

"These fortresses have cost immense sums of money, and, if well supplied with guns and garrisons, would afford but partial protection to a few points on our sea-coast, and to our armed squadrons in time of war. They could not defend us against the armed steamers of an enemy, which might pass them in the night, or avoid them by entering harbors where there are no fortifications. This last remark is peculiarly applicable to the Southern coast, where there are numerous harbors on the Atlantic and the Gulf of Mexico, and not a fort, from Charleston to Mobile, in a condition to fire a gun. In the event of a war with France or Great

Britain, the fortifications at Pensacola, and perhaps others, might be seized and held by the enemy, or any of our unprotected harbors might be entered by fleets of armed steamers, loaded with black troops from the West Indies, to annoy and plunder the country. The northern portion of the Atlantic coast, where such vast sums have been expended to place it in a state of defense, would by no means be secure against the rapid movements of such an enemy. The harbor of New York itself might be entered through the inlet at Amboy and Staten Island Sound, and the fortifications at the Narrows entirely avoided. The city might be sacked, or laid under contribution, before an efficient force could be collected to prevent the approach or escape of so formidable an enemy; and it is seriously to be feared that there is not a harbor on the whole coast, however well defended against the sailing ships of an enemy, that these steamers might not enter by avoiding the forts, or passing them in the night. If this is true, it must be perceived that not only our commerce, but our cities, with all their wealth, would be at the mercy of an enemy employing a force so rapid and certain in its movements. It therefore becomes a question of the most urgent and vital importance to the people and government of the United States, how they can soonest and best provide the means of meeting this new and powerful auxiliary in maritime war. The employment of a home squadron, as recommended by the Secretary of the Navy, must be justly regarded as not only the best means of meeting any sudden emergency that may arise, but leading to such ulterior measures as may be found necessary to give to our commerce and sea-coast the greatest possible security.

"As connecting itself immediately with this subject, and calling for the most vigilant course of policy on the part of the government of the United States, the committee beg leave to call the attention of the House to the measures now being adopted by Great Britain, to keep afloat and actively employed on our northern coast, and in the West Indies, a large number of steamers of the largest class, many of them with their guns on board, and the others at all times ready to receive them.

"Some time since, a contract was made with that government by Mr. Cunard and his associates, to carry the royal mail from Liverpool to Halifax for the sum of sixty thousand pounds sterling, or two hundred and ninety-one thousand six hundred dollars per annum.

"In compliance with this contract, four steamers have been constructed and placed on the line, of twelve hundred tons burden and four hundred and fifty horse-power each. These vessels leave Liverpool and Halifax every fortnight, and perform the trip across the Atlantic each way, with great certainty, in twelve days. These steamers are commanded by officers of the royal navy, and are to be at all times subject to the order of the government. So great have been not only the facilities afforded to commerce and intercourse, but saving to the revenue in the cost of carrying the mail, that it is now proposed to double the number of steamers, that they may leave their respective ports every week instead of every fortnight. The *London Journal of Commerce* says: 'Under the old packet system between Falmouth and Halifax, by the gun brigs, the expense to government was about forty thousand pounds sterling annually more than the receipts of postage. By the line of Cunard's steam ships, a balance of twenty thousand pounds appears already to the credit side of the Atlantic mails.' This line has been extended to Boston.

"On the 20th of March, 1840, a contract was entered into between the Commissioners of the Admiralty and 'the Royal Mail Steam Packet Company' for conveying 'all her majesty's mails' from such port in the British Channel as the commissioners shall prescribe, to the West India Islands, the coast of South America, Mexico, and the United States, touching and delivering the mails at the ports

specified on the map annexed to this report, on which is traced the various lines of communication to be established in pursuance of the contract. The company is bound to 'provide, maintain, keep sea-worthy, and in complete repair and readiness' for the purpose of conveying the mails, 'a sufficient number (not less than fourteen) of good, substantial, and efficient steam vessels, of such construction and strength as to be fit and able to carry guns of the largest caliber now used on board of her majesty's steam vessels of war;' to adopt from time to time, and at all times, such changes or improvements in construction, machinery, armament, and rigging as the commissioners may require; to carry a certain number of government officers and men at a stipulated price, and at all times to hold their vessels subject to the orders of such officer as may be placed on board to assume command. This company is to receive two hundred and forty thousand pounds sterling per annum, which may, in certain events, be increased to three hundred and ten thousand, or to one million three hundred and eighty-eight thousand eight hundred dollars.

"These steamers are all in rapid progress of construction; they are to be about one thousand five hundred tons burden, and to receive engines of five hundred horse-power each. Those that have been launched are estimated to be in all respects equal to sixty-gun frigates. 'Thus,' it is said, 'the country will be doubly served; and while it pays to the mail company two hundred and forty thousand pounds per annum for the transport of the mails, it will defray, by the same payment, the annual charges of the largest and most powerful steam fleet in the world, fully armed with the heaviest ordnance, to act as war frigates when required by the government for that purpose;' to which may at any time be added the steamers employed in Cunard's line, and those running from London and Bristol to New York. It is also said to be in contemplation to establish another line from some port in England to St. John's, New Brunswick, under a contract similar to that made with the Royal Mail Steam Packet Company. All these lines will soon be in full operation, and employ at least twenty-five, and perhaps thirty steamers of the largest class and most approved construction; those on the southern line, and probably those on the northern lines also, having their guns on board. These steamers are to be commanded by officers of the royal navy, and to carry such number of officers and men as the government, under certain regulations, may require, who will thus derive all the necessary instruction to enable them to command and manage vessels of this description. Of the fourteen designed to carry the West India mails, at least *ten* will be constantly employed in conveying them on the various lines as traced on the map hereto annexed; and it will be seen by reference to it that this formidable fleet will be at all times within three or four days' run of our Southern coast. In the event of a declaration of war by Great Britain against the United States—as she will, of course, possess the information necessary to enable her to concentrate her forces—all the steamers in the West India mail service can be collected at any point on the Southern coast by the time the declaration would be communicated to the President. Those employed on the northern lines to New York and Boston may commence hostilities before the least preparation can be made to meet them. Depôts of coal are to be established at Halifax, and at several ports in the West Indies, from whence these fleets can be supplied; and the prediction made some years since by an intelligent and experienced officer, that their sailing ships-of-war would become coal-carriers to their steamers, will be fulfilled.

"There are, it is said, at this time ten thousand black troops in the British West Indies, and that orders have recently been issued to increase the number to twenty-five thousand. These troops are disciplined and commanded by white officers, and no doubt designed to form a most important portion of the force to

be employed in any future contest that may arise between Great Britain and the United States; and by reference to the map of the West India mail lines, it will be seen that, in our present defenseless condition, a force composed of armed steamers and troops of that description would not only give great annoyance to our coast, but most effectually, and at once, put a stop to all communication round Cape Florida, or through the passes of the West Indies, to or from the Gulf of Mexico; and, consequently, the commerce of the great valley of Mississippi must fall into the hands of the enemy, or its vast productions, cut off from market, be rendered valueless.

"France is pursuing a course of policy in every respect similar to that of Great Britain. The last official register of her navy shows that she then had thirty-seven armed steamers carrying heavy guns, equal in all respects, if not superior, to those of any other nation. The sudden appearance of one of them, some two years ago, in the harbor of Baltimore, must be recollected by all. A law has recently been enacted authorizing the government to establish a line of armed steamers from Havre to New York, on the plan of the British West India mail line; and, surprising as it may seem, a number of gentlemen in Boston have sent in proposals to take the contract, if *that* city, instead of New York, shall be inserted in it. Thus it will be perceived that our own merchants, driven by the laws of trade and intercourse, are about throwing the whole weight of their skill, enterprise, and capital into the hands of one of our great maritime rivals, for want of proper action and encouragement on the part of their own government; and that the humiliating spectacle is likely to be presented of American merchants, who have excelled all others in commercial pursuits, being employed to support a naval force that may be directed against the cities in which they reside.

"Under the old system of maritime war, our squadrons could be employed in the protection of our commerce and our flag abroad, without danger of aggression on our own coast, because the fleets of an enemy could no sooner approach to assail than our own return to defend us. But the introduction of steam power has effected such astonishing changes, that armaments on the most extensive scale are no longer to be considered as alone suited to the purposes of war, but the most formidable vessels the world has ever seen are to be employed in the transportation of the mail, passengers, and freight; to pass along the whole line of our coast, and into our ports, as familiarly as common trading-ships. If these vessels can be rendered profitable in time of peace, the security they will afford to persons and property, from the attacks of privateers and small armed vessels, will render them indispensable in time of war.

"This system is yet in its infancy; and it is not in the power of the committee to say, with any degree of accuracy, how far it may be rendered useful to our commerce, or profitably connected with our navy; to what extent it may be made to support itself, or the policy of other governments, and how far a proper regard for our own safety may render its adoption wise or necessary. These are questions of the utmost importance to all portions of this widely-extended country, and ought to be promptly and properly inquired into, and satisfactorily answered."

"A gentleman of great respectability and much experience in commercial affairs, and particularly in steam navigation, has given it as his opinion, that 'contracts could be made immediately for lines of four steamers from Boston to Havre; of four from New York to Liverpool; of three from Norfolk, via Charleston and Savannah, to Havana; and of three from New Orleans to Havana, by the guaranty of the government of less than one million of dollars per annum, with a moral certainty of receiving back more than half of it from postage on letters and papers *immediately*, and the whole in a few years.' This arrangement would keep equipped and officered for immediate service at least fourteen steam frigates, without



the annual charge of repairs, manning, victualing, &c. This system would bring to the aid of the government all the energy, skill, and economy of individuals who will, in enterprises of this nature, always surpass it.

“From what has been stated, it must, in the opinion of the committee, be perceived, that a powerful squadron has become as necessary for our protection at home as the employment of our ships of war has hitherto been, or may hereafter be, for the protection of our flag and commerce abroad. This squadron ought at once to be established, and from time to time increased, as the means placed at command of the department may permit, and the various objects connected with it, as pointed out in the report of the secretary, may best be promoted and attained.

“For this purpose, the committee report herewith a bill appropriating the amount asked for by the secretary, and recommend the adoption of the following resolution :

“*Resolved*, That the Secretary of the Navy is hereby directed to inquire into the expediency of aiding individuals or companies in the establishment of lines of armed steamers between some of our principal northern and southern ports, and to foreign ports ; to advertise for proposals for the establishment of such lines as he may deem most important and practicable, and report to this House at the next session of Congress.”

It is universally known that the bill providing for the establishment of a home squadron was passed. The fact that its services on our coast were dispensed with—the vessels being either laid up, or ordered to foreign stations—so soon as the immediate cause to which we have adverted as having led to its establishment had disappeared, affects in no degree the strength or applicability of the arguments upon which Mr. King had staked the success of his measure. The same *permanent* causes are still in operation, and therefore, says a recent writer, there is the same urgency for making some provision for an evil which will, if it comes, be as sudden as terrible. The statesmen of the South may forget now, in the excitement of passing occurrences, or in that fearless confidence which is slow to apprehend danger, both the threatened peril and the cautious prudence that would guard against it ; but, remembering the demonstrations made by England at the period referred to, we will venture to assert that, in the event of another rupture with the mother country, they will never forget either again.

The *resolution* with which the report closes was designed to call into existence the mail-packet service which has since been established, though we are not advised that any steps were taken by the Secretary of the Navy to carry out its injunctions.

The report itself was complimented highly by Mr. Adams, who moved the printing of five thousand extra copies, at the

same time expressing the opinion that *twenty* war steamers should have been called for instead of *two*.

At the third session of the twenty-seventh Congress, a select committee was appointed, at the instance of Mr. King, to take into consideration the expediency of aiding individuals or companies in the establishment of lines of steam vessels for the purpose of transporting the mail between some of our principal northern and southern ports to foreign ports, on the Lakes, and the Mississippi River, the vessels to be constructed under the direction of the Navy Department, as war steamers, and at all times subject to its control, under such stipulations as might be provided by law; and also to inquire into the expediency of employing armed steamers in the revenue service, and uniting it to the navy, and using iron in the construction of these vessels. Much valuable information was obtained by the committee, but the session being the short one, it could not bring its labors to a close in time to make a report.

Maturer reflection upon these grave matters of public concern ripened into a comprehensive scheme the original conception of Mr. King. The idea of the mail-packet system was, at the time the Home Squadron Report was made, new to the country, and time was required in order to impress its importance on the public mind.

In the month of May, 1846, he again called the attention of Congress to the subject, in a report from the Committee on Naval Affairs, to whom had been referred so much of the President's Message as related to the navy. This report points out the absolute necessity of giving to our navy such a modified form as would enable it to compete with the navies of Europe. It says:

"The extensive employment of steam in naval armaments by the great maritime powers of Europe—the peculiar and decided advantage it will give to all those who do employ it over those who do not—our extensive and exposed coast on the Atlantic, the Lakes, and the Gulf of Mexico—the perfect protection which may be given to it by an efficient steam navy—and the great facilities, far exceeding those of any other country, which we possess for the construction and management of this powerful description of force, have doubtless induced the executive to recommend a course of policy which our peculiar position and vast interests, as one of the greatest commercial nations of the earth, seem so obviously to demand. On the introduction of this new element in ocean navigation, and its employment in maritime war, it was to be expected that many unsuccessful experiments would be made, and much money expended, in giving to it the greatest attainable degree of efficiency. This is a tribute which is frequently paid to



the advancement of science and the useful arts, in bringing to perfection new and important inventions. If, therefore, most of the war steamers which have hitherto been constructed shall be found rather to render manifest defects than as presenting models worthy of imitation, we should be wanting in common prudence, if not in common sense, if we were to discard these lessons of the past, or fail to draw from them that wisdom which is so necessary to the successful direction of our policy in future. It is undoubtedly true, however, that every nation must prepare its armaments to suit its position and existing necessities, and that the improvements which may be adopted by any prominent maritime power will impose upon its neighbors, with whom it is possible conflicts may arise, the necessity of imitating its example. Hence it has been seen that the great naval powers of Europe have been forced, as it were, to keep pace with each other, to some extent, in the construction of war steamers, without waiting for those improvements which are, ere long, unquestionably destined to render that description of force the most powerful and destructive the world has ever known, and which will render their present naval armaments comparatively of little value, and compel them to commence '*de novo*' in the construction of their fleets. This remark applies, however, more particularly to contests which may arise between this country and any of those powers, because their position as respects each other is entirely different from our position with respect to them; consequently, the construction of our ships, and our mode of warfare, should be governed by some clearly-developed system, which will enable us to inflict the greatest amount of injury upon our enemy with the least damage to ourselves. It has hitherto been, and doubtless will continue to be, the policy of European powers to concentrate their naval forces and decide their contests on the ocean in great battles of fleets and squadrons. One object, therefore, in the construction of their war steamers was to have them always at hand to tow their sailing ships into position. The certainty and celerity of their movements render them invaluable as transports for the conveyance of troops and munitions of war, and absolutely necessary to cope with an invading force of a similar description. England and France have extensive colonial possessions, which require the same preparations for defense, and afford the same facilities for the subsistence and protection of their fleets, as are found in their ports at home. In these colonies they have strongly-fortified harbors, extensive depôts of coal, provisions, and munitions of war, to which their fleets can resort to escape from the pursuit of an enemy, or for supplies and repairs. The United States have no such places of resort, and it is important to keep this fact in view in forming our system of naval warfare, as far, at least, as it may be conducted by steam power. European nations have adopted the system of employing steam in sailing ships of war as an auxiliary power, and our experiments thus far have been made in conformity with that idea. Recently, however, the improvements in machinery have enabled them to employ engines of much greater power in proportion to the size of the ship, and at the same time to place the boilers and machinery below the water line, and secure from an enemy's shot. It should be matter of just national pride that our own government led the way in this great and important change in the construction of war steamers. The *Princeton*, built under the superintendence of Captain Stockton, of the United States navy, was the first ship ever constructed with her machinery and propeller so arranged as to be secure from an enemy's shot. The machinery and propeller of this ship were invented by and arranged under the superintendence of that eminent civil engineer, Captain John Ericsson. If there is any doubt hanging over the perfect success of this experiment, it is unquestionably attributable to the small size of the ship—about six hundred tons, to which they were limited by instructions from the Navy Department—requiring too great a breadth of beam and

draught of water for the power employed, and to her frigate rig, more than to any want of sagacity or scientific skill on the part of those officers. However this may be, the fact is undoubtedly established, and can no longer be disputed, that, by the adoption of proper models for our war steamers, their machinery may be so arranged as to be secure from an enemy's shot, and this fact should hereafter be regarded as a governing principle in the construction of a steam navy.

"However expedient it may be for the naval powers of Europe, situated as they are, to employ steam as an auxiliary power in their sailing ships of war, it is believed that a different system should be adopted by our government. It has not been, and probably will not be, our policy to engage an enemy with fleets or squadrons. In time of war, our navy should be scattered as widely as possible over the oceans of the world, for the purpose of meeting or seeking the enemy in single combat, destroying his commerce, and cutting off his supplies. To secure the greatest success in this mode of warfare, our ships of war, whether propelled by steam or sails, should have the greatest attainable speed.

"It can not be disputed, in the first place, that the best models for steamers are not the best for sailing ships, and the best for sailing ships, consequently, can not be the best for steamers. Secondly. It can not be denied that the rigging which is suitable and necessary for a sailing ship-of-war must greatly impede her progress when propelled by steam power. Thirdly. The paddle-wheels or propeller of a steam-ship must necessarily impede the progress of a ship under sail. If these principles are correct, it will be at once seen that the greatest attainable speed can not be obtained by the combination of steam power with sails.

"The support of a large navy in time of peace would impose burdens upon the people unnecessary to be borne, and would be opposed to the principles and policy of our government. It is therefore desirable that in the construction of our ships-of-war we should adopt such a system as will give the greatest protection to our coasts, and inflict the greatest amount of injury upon an enemy at the least possible cost. To accomplish this, our ships-of-war, whether propelled by steam or sails, should be so constructed, if possible, as to be able at all times to escape from an overwhelmingly superior, and overtake and engage to the greatest advantage an equal or inferior force, and to be capable of the most rapid concentration for attack or defense at any particular point. This can alone be effected by celerity of movement. Any system which would interfere with this cardinal principle should at once be discarded as absurd and pernicious. It is quite evident that the employment of steam power in full-rigged sailing ships-of-war, while it could not make them fast steamers, would necessarily impair their sailing qualities, and subject them to be cut off by a superior force of greater speed, or having the advantage of position; thus showing that this combination is only desirable, if desirable under any circumstances, where ships are to act in large fleets for offensive operations, and their steam power may be used to carry them into position against opposing fleets or fortified places. Your committee, therefore, have no hesitation in condemning, as a general principle, the employment of steam in sailing ships in the navy of the United States.

"Our extensive and imperfectly-defended coasts seem to invite the incursions of an enemy. Our vast commerce would present the most tempting inducements for him to hang upon our borders. These circumstances, which are regarded by some as presenting great advantages to an invading power, may, if our resources are properly availed of, lead to his destruction. It is now conceded by the most eminent engineers, that war steamers, unincumbered by rigging or sails, and of much greater speed than any hitherto known, may be so constructed as that their boilers and machinery shall be secure from an enemy's shot, and, at the same time, carry a sufficient amount of fuel to enable them to remain at sea from fifteen

to thirty days. These steamers, armed with a few heavy guns, would be able to pursue or escape from the enemy at pleasure, cut off his supplies, attack with great advantage his ships, when scattered by a gale of wind, or from any other cause, and destroy them with impunity when disabled, either in action or by the storms of the ocean. Thus annoyed by this Parthian mode of warfare, it would be difficult for any fleet, however large, to remain long on our coast. These steamers might act singly, or in concert, as circumstances should require. Our rapid means of communicating intelligence, by rail-road and magnetic telegraph, will at all times enable us to ascertain the movements and position of an enemy, and so to direct the movements of this steam force as to cut off the supplies and communications of a blockading squadron, and actually attack it in rear if he should attempt the bombardment of any of our towns or fortresses. This mode of conducting the war would compel an enemy to concentrate his ships in large fleets, which could only be maintained at a vast expense, and in the constant apprehension of disaster from an enemy whom he could not overtake, and from whom he could not escape. The adversary would thus be prevented from attempting the blockade of any considerable number of our ports at the same time. The moment he should scatter his ships for that purpose, they would be cut off in detail, leaving our harbors open to the commerce of neutrals, affording ample supplies of fuel and munitions of war for our steam navy, and opportunities for our privateers to bring in their captures for adjudication. These are some of the advantages to be hoped for from properly constructed steam ships-of-war, and which have led your committee to the unhesitating conclusion that it is the first duty of the government to provide, as soon as practicable, a force of this description sufficiently large to meet any exigency which may arise."

The report then contains, in a small compass, the most valuable information concerning the use of iron as a material for the construction of steamers, drawn from the experience of Great Britain, the only nation by which it has, to any great extent, been employed, showing the superiority of iron over wood, and some of the advantages which attend its employment. Among these advantages, it is estimated that the *repairs* of a timber-built steamer, rendered necessary by decay alone, will, in the course of ten or twelve years, have equaled her first cost; while an iron-built steamer in that period, from that cause, would require no repairs at all. It is also declared to be entirely practicable to use iron, and dispense with wood altogether in the construction of such ships, and thus render them perfectly secure against fire. The advantages of iron as a material for ship building are stated by Grantham, in his able work on iron vessels, to be, *strength combined with lightness; great capacity for stowage; safety; speed; economy in repairs; cost; draught of water.* It is believed, also, that the destructive effect of Paixhan or hollow shot may be in a great degree obviated, if not altogether avoided, by the use of iron. This description of shot would not *lodge* in the thin

side of an iron ship. If it should strike her within the ordinary range, and with full force, it would pass through both her sides, leaving a smooth round hole which could be easily stopped, and, consequently, be no more destructive in its effects than an ordinary solid shot. If a spent ball were to strike such a vessel, it would recoil from the side and fall into the water. It is stated, also, that the interior of iron ships is more cleanly, and, consequently, that they are more healthy than those built of wood. The report, therefore, recommends iron as the proper material to be hereafter used by the government of the United States in the increase of our steam navy. As the best means of providing for the construction of these ships, the report expresses the opinion that economy and efficiency can be best secured by having them built by individuals, under contracts properly secured and faithfully executed; a course of policy extensively pursued by the British government in the construction of their iron war steamers.

The one great requisite of these vessels was to be speed. They were to be so constructed as not to be disqualified for receiving, at a slight expense, any new improvements in machinery or means of propulsion. Upon an alarm of war, the vessels could in a short time be prepared for service, and be ready to convoy the merchant ships near the coast into port, or to combine to resist the invasion of a hostile fleet. Armed with heavy guns, and outstripping every thing in speed, they would be fitted to conduct "a Parthian mode of warfare," to use the language of Mr. King, especially injurious to a foreign fleet, and, by means of its proximity to home resources, particularly convenient and advantageous to ourselves.

Two objects were proposed to be secured, one of which was an extension of the mail-packet system, and the other a plan for the permanent organization of an efficient naval force, such as, without being onerous to the revenue, would sufficiently provide against future public emergencies.

Mr. King has aimed to create a naval force, gradual and not costly in its accumulation, and one looking to permanent usefulness. He proposes to construct steam vessels of iron—two or three in the space of a year—and to place them upon marine rail-ways, painted and protected by sheds from the weather, in which state they might remain, without decay or sensible deterioration, for any indefinite length of time.



In the month of June of the same year, he again presented a report upon the subject of ocean steamers, built and sailed under a contract with the government for the transportation of the mail. He again urged upon Congress the propriety of affording such support to the steam-packet system as was required to compete with lines already established; demonstrated the easy and economical protection which this system would afford; recapitulated the arguments for its adoption, founded on the commercial interest, and presented in detail the plans for those lines that have since been put under contract.

The success which has hitherto crowned the efforts of Mr. King may perhaps best be inferred from the *results* which have attended them, and which may thus be briefly stated:

In the month of June, 1846, a contract was made for the conveyance of the mails from New York to Bremen, in four steamers of the first class; and on the 3d of March, 1847, an act was passed which required the Secretary of the Navy to enter into three contracts: first, for five ships to convey the mails between New York and Liverpool; secondly, for the conveyance of the mails from New York to New Orleans, to touch at Charleston if practicable, and at Savannah, and Havana, with a branch line from the latter place to Chagres; thirdly, to contract for the transmission of the mail from Panama to Oregon, touching at the intermediate ports in California. On this line three steamers of a large class are to be employed. The same act authorized the construction of four war steamers of the largest size. These steamers have been laid down, and are in an advanced state of construction.

We come now to the report submitted by Mr. King on the 4th of May last, upon the subject of steam communication with China and the Sandwich Islands.

The report, in the first instance, enters into some interesting details concerning the present condition of trade and commerce with China, and of our participation in them, and sets forth the advantages which we possess over Great Britain for a profitable and permanent interchange of products with the Chinese.

The ships, it is proposed, shall be built under contract with the government, and be suitable in strength and dimensions for vessels of war.

A most important feature in the project is the discovery made

by Lieutenant Maury, the superintendent of the National Observatory, that the principle of great circle sailing is applicable to the route to China.

"The idea," says the report, "has generally, if not universally prevailed, that to communicate advantageously with the west coast of this continent, and increase our intercourse with China, it would be necessary to construct a ship canal from Chagres to Panama, or from some other point on the Gulf to the Pacific, and to proceed from thence by way of the Sandwich Islands to Canton. It had not occurred to any one who has written or spoken on this subject, that the distance across the Pacific on this line is almost twice as great as it is to go northerly on a great circle, in conformity to the figure of the earth, and cross from one continent to the other where the degrees of longitude converge toward the pole, and are not much more than half as far across as they are within the tropics.

"This route was proposed by Lieutenant Maury, of the United States Navy, in a letter dated the 20th of December, 1847, to the chairman of your committee, and more fully and perfectly described in his communication on the 10th of January last. The chart which is attached to, and forms a part of this report, shows the courses and distances across the Pacific on the two routes, and the advantages of the great circle. As is stated by Lieutenant Maury, to place one end of a string on a globe at Panama, draw it tight with the other end at Shanghai, it will cross the isthmus diagonally, pass up the Gulf of Mexico, and through Louisiana to the west of the Mississippi River, and, describing a circle, will pass to the south of Columbia River, and, crossing the Pacific, will, in its greatest northerly inclination, touch along the chain of Aleutian or Fox Islands; and as it approaches Japan and China, pass the Straits of Sanger between the islands of Nippon, or Japan and Jesso, and through the Sea of Japan, passing near to Quelpaert's Island—which has been taken possession of by the British—and terminate at Shanghai. This line explodes the idea of a ship canal across the isthmus, and establishes beyond controversy the great necessity and importance of a rail-way from the Mississippi to the Pacific Ocean. As this work—the greatest of the age in which we live—has not yet been commenced, and its completion will require several years, it becomes necessary to avail ourselves in the mean time of the most practicable and expeditious route. This forces us to run down the coast of the Atlantic, which enables us to touch at our Southern ports and at Havana, and across the Gulf to Chagres and the continent at the Isthmus to Panama, and from thence northwardly along the coast to the Pacific until we arrive at or near the point where the great circle crosses, and from thence on that line as described to China. Taking up the distances on this whole route, we find them to be,

From New York to Chagres .....	2,500 miles.
From thence to Panama.....	50 "
From Panama to Monterey or San Francisco .....	3,000 "
From San Francisco to Shanghai .....	5,400 "
Total distance from New York to Shanghai .....	10,950 "

"The present sailing route, round either Cape Horn or the Cape of Good Hope, is from eighteen thousand to twenty thousand miles. This new route saves, therefore, from seven thousand to nine thousand miles going to or returning from China, making a total saving of from fourteen thousand to eighteen thousand in the voyage out and back. This statement shows that by the act of the 3d of March, 1847, establishing the line of steamers from New York to New Orleans, touching at Havana, with a branch line from thence to Chagres, and from Panama to Oregon, we have actually overcome five thousand five hundred and fifty miles, or



more than half of the distance from New York to China. We have now but five thousand four hundred miles of steam navigation to accomplish to carry us to Shanghai. From what has been said respecting the great circle route, and by an examination of the chart, it will be perceived that either Monterey or San Francisco must become the port of departure for China, as being situated almost immediately on the route from Panama. The mouth of Columbia River and the ports in the Straits of Fuca are too far north, and would lead us out of our way, besides not being equal in any respect to San Francisco or Monterey. Another important consideration is, that the latter are in the best position from which to communicate with the present rendezvous of our whalers in the Sandwich Islands; an object of very great importance, which will be embraced in the views and recommendations of the committee."

On the subject of a rail-road between the Atlantic and the Pacific, Mr. King says:

"Many elaborate and seemingly accurate calculations have been made by Mr. Whitney and others respecting the practicability of transporting freight from the Pacific to the Atlantic on a rail-way, especially teas and silks, and of conveying cotton, Indian corn, and other products from the Western and Southwestern, and manufactured goods from the Eastern States to the Pacific, and thence to China and other markets of the East. The committee do not deem it necessary to repeat these facts and figures, but will merely say that they appear to lead to practical and attainable results of a most remarkable character, all going to show the great importance of the proposed lines of communication to China and the Sandwich Islands. The distance from the Atlantic to the Pacific, on the proposed railway route, will be about three thousand miles. At twenty miles per hour, including delays, it will require five days to pass from ocean to ocean. If we allow fifteen days for the passage across the Pacific, we find that the mails and passengers may be conveyed from Canton to New York in twenty, and to London in thirty-two days, thus bringing them to New York in less than one third, and to London in about half the time now required to pass over the British or overland route.

"The completion of this system of communication would undoubtedly, in a few years, cause the balance of trade with all nations to turn in our favor, and make New York what London now is, the great settling house of the world. Situated as this continent is on the globe, almost midway between Europe and Asia, with this concentration of intelligence by steam-ships, rail-ways, and telegraphs, we should extend our communications with equal facility to both, and each would be dependent on us for information from the other.

"For some very important facts and arguments on the subject of the proposed rail-way from the Mississippi to Monterey or San Francisco, we refer to the very able letter of Lieutenant Maury in the Appendix."

For the accomplishment of the objects contemplated in the report, the following joint resolutions were offered:

*"Joint Resolutions proposing the establishment of Lines of Government war Steamers from the Port of Monterey or San Francisco, in California, to Shanghai and Canton, in China, and from the same Port to the Sandwich Islands.*

*"1st. Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That, for the purpose of affording suitable encouragement and protection to our extensive and rapidly-increasing commerce on the Pacific Ocean and with China, it is expedient to provide the means of frequent and speedy communication with the present rendezvous of our whaling vessels*

in the Sandwich Islands, and with the principal ports open to foreign trade in China. In the absence of such information as would enable our merchants to offer to contract on reasonable terms for this service, and that our flag may be the more respected in those distant portions of the globe, it is expedient that the service shall be performed for some years to come by a large class of government war steamers; therefore, to accomplish these objects as speedily and effectually as possible, the Secretary of the Navy is hereby directed to employ one war steamer of a large class in the transportation of the mail and passengers from Monterey or San Francisco, in California, to the Sandwich Islands and back once a month; that he shall, as soon as practicable, establish a line of war steamers, to consist of three or four now built or being constructed, from one of the above ports on the American coast, by way of the Aleutian or Fox Islands, to Shanghai, and thence to Canton, in China; the mail to be taken from the port of departure on the American coast immediately on its arrival from Panama, and delivered as regularly as practicable once a month at the above-named ports in China, and to be conveyed from those ports to the port of departure in California once a month, so as to be placed on board the steamer bound to Panama with the mail from Oregon.

"2d. *Resolved*, That the Secretary of the Navy shall cause to be prepared such accommodation on board said ships as they will admit of for passengers, who shall be conveyed for such price, and subject to such rules and regulations as he shall prescribe; that the pursers of said ships shall take charge of the mails, deliver all letters and papers on board ship in foreign ports, and receive the postage thereon, which shall be equal, in proportion to the distance, to the postage charged on mailable matter in the British mail from China. He shall also receive the fare from passengers, and account for all money so received to the accounting officers of the Treasury.

"3d. *Resolved*, That the Secretary of the Navy is hereby authorized to establish such depôts of coal as may be found necessary to supply the steamers to be employed in the service hereby ordered.

"4th. *Resolved*, That two years after the passage of these joint resolutions, the Secretary of the Navy shall advertise three months in two of the principal newspapers of Boston, New York, Baltimore, Charleston, Savannah, and New Orleans, for contracts for the transportation of the mail in five steamers on the route to China, and two on the route to the Sandwich Islands, of not less than one thousand tons burden each; said steamers to be so constructed as to carry a suitable armament of long, heavy guns; to have an average speed of at least fifteen miles an hour at sea; to be convertible, at the least possible expense, into war steamers, and subject at all times to be taken by the government at a reasonable valuation; to be commanded by officers of the line of the navy not below the grade of lieutenant, and to receive four midshipmen each as watch officers, and to carry a mail agent on board, all of whom shall be suitably accommodated, without charge to the government. The said steamers shall make twenty-four passages, twelve each way, in a year, between San Francisco or Monterey and Shanghai and Canton, and an equal number to the Sandwich Islands. After having advertised three months for proposals, the Secretary of the Navy shall open them in presence of the parties making them, and shall contract, on the part of the government of the United States, for the service herein described and ordered. No proposals shall be accepted from any party or parties who can not show, to the satisfaction of the Secretary of the Navy, that he or they, and his or their associates, can perform in good faith all the contract or contracts shall require. The most favorable proposal or proposals made by parties thus able to perform shall be accepted, and the contract or contracts shall continue for ten years."

The following letter, replying, as will be seen, to one addressed to Lieutenant Maury, will explain itself:

“OBSERVATORY, WASHINGTON, July 24th, 1848.

“DEAR SIR,—I did not receive until yesterday your letter of the 1st inst., calling my attention to an extract from some remarks made in the *National Intelligencer* of May 13th, 1848, in relation to the report of the Honorable T. Butler King on the subject of a line of steamers from Western America to China.

“The extract is in these words: ‘The general conception and origination is Mr. King’s; he is its father and mover. Consulting Mr. Maury, that gentleman lent him his science to shape out its best and surest accomplishment.’ You desire me to state ‘the *precise* state of facts concerning your (my) agency in the matter’ of the report.

“The report speaks for itself, and shows that my agency in the report was nothing, and that my agency in the subject to which the report relates consisted only in furnishing Mr. King certain items of professional information with regard to routes, winds, currents, and the like.

“Early in the month of December last, Mr. King informed me that he had it in contemplation to bring in a bill for a line of steamers between Panama and Shanghai in China, and requested that I would furnish him with the requisite information as to the best route, &c., which information he doubtless sought at my hands only because I happened to be in immediate charge of the Hydrographical Office of the Navy, where it may be presumed were to be found the best sources of information relating to the course of vessels to and fro, and the prevailing winds and currents of the ocean.

“The subject presented itself to me at once as one of great national importance. And when I came to apply the principles of great circle sailing for Mr. King’s line of steamers, I was surprised to find that the ports of California were right on the way side of the nearest route from Panama to Shanghai. On the 20th of December I wrote Mr. King a hasty note, pointing out this fact. This note drew from him the letter, to which mine in the Appendix to the report is the reply: his note is also in the Appendix.

“My ‘agency in the matter,’ as the report itself shows, con-

sisted, therefore, merely in pointing out the great circle route, and in suggesting one of the ports of California instead of Panama as the western terminus of the line.

"The idea of a line of steamers to China originated with Mr. King. The measure is his, the report is his, and he is entitled to all the credit and honor of having originated a measure which, if carried out in the spirit in which it has been conceived, and placed in the avenue to legislation, will be a source of untold advantages to the nation. Respectfully, &c.,

"M. F. MAURY.

"HENRY G. WHEELER, Esq., *Washington City.*"

On the 19th of July last, Mr. King reported, from the Committee on Naval Affairs, certain joint resolutions, proposing, first, to direct the Secretary of the Navy to advertise for proposals for carrying the United States mail from either of the ports therein named that should be ascertained to be most eligible, to Havre, in France, for a period of ten years, in five first-class steamers, capable in all respects of being readily converted into ships-of-war, and to be placed on the line during the first five years of the contract; secondly, to establish a similar line, for similar purposes, from one of the ports named in the United States to Antwerp, in Belgium, to extend to Gluichstadt, at the mouth of the Elbe, during such part of the year as the navigation of the North Sea may be considered safe; the two lines to consist ultimately of ten ships of the largest class: the proposals to be returned to the House of Representatives at the next session for its consideration; and, lastly, to employ temporarily, and until Congress shall have decided on the proposals to be submitted, the steamer United States, constructed in New York.

The object of the establishment of these lines, it will at once be seen, is to promote and increase our intercourse directly with the Continent of Europe. The greater portion of our intercourse to and from the Continent, so far as respects the transmission of letters and all mailable matter, and the conveyance of passengers, is conducted across the island of Great Britain, the English Channel, and the North Sea. Twelve lines of steamers have been established between Gluichstadt, at the mouth of the Elbe, Bremen-haven, Amsterdam, Antwerp, Ostend, Calais, and Havre, on the Continent, and South-



ampton, Dover, London, Hull, and Edinburgh, in the island of Great Britain, through which lines our own intercourse is maintained. The importance to this country not only of promoting and facilitating a direct communication with the Continent, but of availing ourselves of that communication to support and increase our own steam tonnage in time of peace, that it may be at once convertible to our wants in time of war, is too obvious to require comment.

These several subject-matters remain for future consideration.

The various propositions we have recorded may be considered as the American system of mail steam-packet communication, designed to rival and counteract that which has been established by Great Britain. It is understood, however, that Mr. King has other comprehensive plans in contemplation, and that it is his intention, at the next session of Congress, to prepare a measure designed to carry out the views expressed by him in 1846, having relation to iron steam-ships.

It is his opinion that the ships employed in our mail-packet service should be increased from time to time, as the state of our commercial intercourse and the carrying trade will justify; and that even now two more lines (namely, those indicated in the resolutions last mentioned) might with perfect safety be adopted, to be gradually increased to five ships each. It is also probable, he thinks, that other lines might be established between important points which have not yet been suggested. If, for example, our communication were extended by this means to the mouth of the Elbe, from which there is a railroad to Kiel on the Baltic, it might be found expedient to run a line from the latter place to St. Petersburg. This arrangement would enable us to communicate from New York with the capital of Russia, and other important points on the Baltic, in the short space of twenty days.

We have entered with some particularity into the history of these matters, not merely because to do so was a just tribute to the services of Mr. King, as the acknowledged founder of the steam-packet system in this country, but because the public mind can not be indifferent to the changes they are working. It is conceded that the Committee on Naval Affairs has at no time been headed by a man who, as regarded all the legiti-



mate matters of its deliberation, possessed a mind more comprehensive in its grasp, or more energetic in leading to successful issues the plans it might form. Mr. Holmes, of South Carolina [see vol. i., title I. E. HOLMES], a political opponent, who has himself discharged with distinguished ability the duties of the same station, spoke of him in the House as "a man whose interest in the navy was perfectly well known, and whose zeal for its welfare and its honor manifested itself on every occasion when the interests of that arm of our defense could be promoted." With not less truth, a writer in the *Southern Review*, before alluded to, says:

"In this state of affairs, there was a Southern statesman who had given his practical and richly-endowed mind to the subject of naval defenses. He had seen Great Britain, during our Northeastern Boundary troubles, quietly sending immense quantities of coal and munitions of war to the island of Bermuda, which curtains the coast of Georgia and the Carolinas. She was making ready there with a masked battery, collecting her fleets on her 'North American station,' as our coasts are called, and sending her troops to Canada, Halifax, and the West Indies; and, finally, when Lord Ashburton arrived, the government found that that wily nation, notwithstanding she had two serious and expensive wars—the Afghanistan and the Chinese—on her hands, had assembled around us no less than one third of the whole standing army of Great Britain, and a fleet outnumbering all our ships-of-war afloat. Among these forces were twenty thousand black troops, and a number of fast steamers with shallow drafts, just suited for crossing Southern bars and ascending Southern rivers. These steamers were in the West Indies, all ready, and waiting only for the word. When this Southern man looked at the exposed and defenseless condition of his own state, well might he feel concern, and seriously ponder over some wise and sufficient system of enlarging our means of naval strength for such an emergency, should it ever again arise with serious aspect.

"He saw that the maritime strength of nations was in a transition state, so to speak; that steam was contending with canvas; that there was a new element at work for mastery on the ocean, and that sea-fights hereafter would be dated from a new era.

"Should Congress resume the old item of 'gradual increase' in the navy appropriation bill, and vote large sums for collecting more timber? The country was unwilling again to run riot in any such expenditures.

"The Mississippi steamer was built at the cost of half a million or more; she cruised on the Southern coast at the rate of another half million a year. Solomon's exchequer could not support, in peace, the fleets of such steamers that would be requisite for this country in a maritime war. But there is in the country an exchequer more rich than Solomon's, because it is inexhaustible. We have our merchant princes. They build ships and maintain navies at their own cost. Could not some plan be devised, some arrangement made between them and the government, by which they would agree to build and maintain from their exchequer, in peace, a steam navy sufficient, or nearly sufficient, to subserve the purposes of government in war?

"The answer is ay. They would build steamers that would have the double effect of strengthening the bonds of international good-will, by drawing more

closely around us in peace the ties of commerce, and of preventing war by bearing before the world the iron motto, *nunquam non paratus*.

"The conception is a bold one, and the plan is republican. It is good, for it is worth millions to the commonwealth."

Among other public acknowledgments of the thoroughly American spirit which Mr. King has manifested during his public course in the House of Representatives, and especially for the important measures which, through his instrumentality, have been carried into effect with regard to the foreign commerce of the country, we notice a *dinner* given to him by the merchants and other citizens of New York, and which is represented as one of the most enthusiastic gatherings of the kind ever witnessed there. The president of the Chamber of Commerce, James G. King, presided. Letters were presented from Daniel Webster, and other eminent and influential gentlemen, regretting the circumstances which prevented their attendance, and bearing the most emphatic testimony to the private worth and the public services of the gentleman in whose honor the entertainment was given. It was spoken of as "a worthy tribute by the great commercial emporium of the Union to one who had borne a distinguished part in promoting its interests, and building up its permanent and progressive prosperity." The toast in compliment to Mr. King was as follows:

*By the Committee.* "Our esteemed guest, Honorable Thomas Butler King, of Georgia, whose zeal and perseverance in measures to promote the commercial prosperity of the country are only equalled by his sagacity in combining them with the most efficient means for its protection."

The course of Mr. King in Congress has been that of a sound, consistent exponent of Whig principles and measures. When the vote was taken on the passage of the Tariff Bill of 1846, now the law of the land, he was absent from the House. The circumstance was seized upon by some of the administration papers of the country, and the impression attempted to be conveyed that he had *dodged* the vote. It is not his habit, as all who know the man will testify, to dodge any question. Having been quite unwell for some time, he had left Washington for the double purpose of health and the transaction of important business, with the intention of returning in time to vote *against* the bill. The debate was to terminate on a given day—Thursday, the second of July. As, on measures of this

description, there are always a vast number of amendments submitted which not only require separate votes, but often give rise to many delays on questions of order, and as Saturday was the fourth of July, it was not expected that the final vote would be taken until Monday, the sixth. Under this impression, and from the urgent nature of his business, Mr. King did not return to vote on the *third*, the day on which the bill actually passed. If he had been present he would have voted *against* it, and he desired to escape no responsibility which would have attached to that vote. He disapproved as well of the principle on which the bill was framed, as of its details. It passed by a majority of nineteen, and, of course, his vote against it would not have changed the result.

His objections to this law were, first, that it changed the principle on which our revenue duties had been uniformly collected, from the first year of the government to the then present time. Duties had heretofore been laid on the *articles* imported, and not upon the invoice *price* or cost at the places from whence they were imported. This mode of levying duties rendered the revenue from customs more uniform than any other system, and its collection certain. Under this system, the duties were also uniform throughout the Union, and thus the constitutional provision was strictly complied with.

Under the new law, with its *ad valorem* duties, there could, he objected, be no such thing as uniformity. For instance, under the law of 1846, the duties being laid on the value of the goods, the amount collected would depend entirely upon the veracity of the importers, because those who chose to produce false invoices—and such cases were not unfrequent—would pay duties, not on the actual value of the goods, but for so much only as they might swear them to have cost. This system, too, had been every where condemned, and in no other country than our own had it any existence. All the great commercial powers of Europe, he argued, had repudiated it; and with us, in times past, the constant aim of Congress, and of those who directed the financial department, had been to substitute the specific for the *ad valorem* duties whenever it was practicable, and *this* for the simple reason that it acted as the surest guard against frauds on the revenue. Indeed, with a tariff law framed in the main with a view to specific duties, no frauds could be commit-

ted except by positive smuggling, because they required neither oaths nor invoices, both of which could be, and were, manufactured at will to suit all occasions. Laid on the quantity, or, rather, on the thing itself, nothing more was necessary than to ascertain the exact bulk, weight, or measurement, as the case might be, of the article imported, and all the delays and vexations, litigations and expenses, incident to and consequent upon the valuation under the new system, were entirely avoided.

Another strong and insuperable objection to the *ad valorem* duties was this, that under such a system there could be no stability or certainty in the revenue necessary to be raised: a fact which might, he believed, be at once established by reference to the prices current, and by watching the constant fluctuations in the value of all marketable products. None of these fluctuations would disturb the revenue if the specific duty was adhered to.

The great aim of every government should be to protect, as far as could be consistently done, the labor and industry of those who bear its burdens. This, he contended, was the secret of the prosperity and success of the great nations of Europe. History proved it. The operation of the new tariff law would be to oppress and destroy the labor and industry of our own people, and to give the foreign manufacturer and mechanic the control of the American market. In this consideration alone he found the strongest ground of opposition to the law: for even if it were perfect in every other respect—in all its parts a complete revenue measure, which he did not admit it to be—yet, while open to this objection, he could not support it.

He admitted freely that the tariff of 1842 had its defects—as what law had not?—and that he would willingly contribute his aid to a wise and proper modification of it. But he declared his conviction that the law had worked well for the country, accomplishing all its framers predicted as a revenue measure, and discharging, withal, a large public debt.

His views on the Oregon Question [see vol. i., title S. A. DOUGLAS] were entirely favorable to a peaceful settlement of that controversy, either by negotiation, or, if that should fail, by arbitration. He had drawn up a proposition, which he presented to the House, with the intention of offering it as an amendment to the joint resolution, and which was read for information as follows:



"Whereas, by the convention concluded the twentieth day of October, one thousand eight hundred and eighteen, between the United States of America and the King of the United Kingdom of Great Britain and Ireland, for the period of ten years, and afterward indefinitely extended and continued in force by another convention of the same parties, concluded the sixth day of August, in the year of our Lord one thousand eight hundred and twenty-seven, it was agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony or Rocky Mountains, now commonly called the Oregon Territory, should, together with its harbors, bays, and creeks, and the navigation of all rivers within the same, 'be free and open' to the vessels, citizens, and subjects of the two powers, but without prejudice to any claim which either of the parties might have to any part of said country; and with this further provision, in the second article of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, that either party might abrogate and annul said convention on giving due notice of twelve months to the other contracting party.

"And whereas it has now become desirable that the respective claims of the United States and Great Britain should be definitely settled, and that said territory may no longer than need be remain subject to the evil consequences of the divided allegiance of its American and British population, and of the confusion and conflict of national jurisdictions, dangerous to the cherished peace and good understanding of the two countries:

"With a view, therefore, that steps be taken for the abrogation of the said convention of the sixth of August, one thousand eight hundred and twenty-seven, in the mode prescribed in its second article, and that the attention of the governments of both countries may be the more earnestly and immediately directed to renewed efforts for the settlement of all their differences and disputes in respect to said territory:

"*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be, and he is hereby authorized, at his discretion, to give to the British government the notice required by its said second article for the abrogation of the said convention of the sixth of August, one thousand eight hundred and twenty-seven: *Provided, however*, That, in order to afford ample time and opportunity for the amicable settlement and adjustment of all their differences and disputes in respect to said territory, said notice ought not to be given till after the close of the present session of Congress. *Provided, further*, That the said notice shall be accompanied with a proposition from this government to submit the claims of the United States and Great Britain to said territory to the arbitration of a person or persons qualified to determine upon their respective rights in and to the same, whose decision shall be binding upon both nations.

"*Resolved*, That the Committee on Territories be, and is hereby instructed to report a bill organizing a territorial government in Oregon, to go into operation at the expiration of the notice aforesaid terminating the existing convention between the two governments, unless the President, in his discretion, and by proclamation, shall suspend the same (which he is authorized to do), until a reasonable time after the meeting of the next session of Congress thereafter: *Provided*, That at that time the rights of the respective nations to the territory in dispute shall not have been definitely terminated by negotiation or arbitration. *And further*. That a copy of the foregoing preamble and resolutions shall accompany the notice to the government of Great Britain herein provided for."

Subsequent to the introduction of the proposition, but before



the final vote was taken on the joint resolution to terminate the convention, a correspondence which had passed between the Secretary of State and the British minister was sent in to the House. [See vol. i., page 97.] By this correspondence, it appeared that the proposition to settle, by arbitration, the rights of the United States and Great Britain to the disputed territory, and to establish an equitable line of partition, which had been made in all its forms by the British minister, had been rejected. In view of this correspondence, Mr. King did not offer his amendment, because it was clear that that mode of adjusting the difficulty was at an end. He considered the President's rejection of the offer as "peremptory and cavalier."

"Arbitration," he said, "is one of the most ancient modes known to civilized nations of settling difficult and embarrassing disputes. It is sanctioned, in all its forms, by the law of nations, as founded on the laws of Nature. It has been resorted to in all times by those who wished to mete out that justice to others which they desired should be meted out to themselves. The President of the United States has declared, or permitted his Secretary of State to declare, that the territorial rights of the United States can not be submitted to arbitration. Who has ever desired the President to submit to arbitration the acknowledged, clearly undisputed, territorial rights of the United States? It is, sir, precisely because our rights in that territory are not clearly defined with respect to limits, and that the title to a very considerable portion of it has been claimed by Great Britain for more than half a century, as against Spain, from whom we profess to derive our own title in no very inconsiderable degree, and that this government has acknowledged for the space of seven-and-twenty years that Great Britain has rights in Oregon, that I supposed that this was a question, of all others which has ever presented itself for adjustment between this government and that, which, in its complicated character and momentous consequences, could be most properly and equitably adjusted by arbitration, and which, from its very nature, pointed to that as the most honorable and suitable mode of settlement. The President, however, seems to think differently. By assuming the broad ground that our title to the entire territory is 'clear and unquestionable,' and that our rights there are not 'to be a proper subject for arbitration,' he seems to say, in language not to be misunderstood, to the government of Great Britain, that, as far as he is concerned, or can control the action of this government, the question of territorial rights is settled, and that any concession which may hereafter be made on our part, if any ever shall be, may be regarded as an evidence of our liberality, and not as springing from a conviction of the justness of her rights, or the validity of her title to any portion of the territory in dispute.

"I am not, sir, disposed to present an argument with respect to our title to Oregon. I shall not even say to what extent our title is better than that of Great Britain, or how far it can be sustained by all the evidences which have been, or can be adduced. In my judgment, this question ought not to have been brought into this House. This is not the place to discuss questions of this nature. They properly belong to the executive and the Senate. They are, under the Constitution, the treaty-making power. It is very difficult, if not impossible, for any man to present an argument here which shall in the slightest degree admit the force of British rights in Oregon without bringing upon himself the imputation of having

more or less compromised those of his own country. These delicate and complicated questions should be left in the hands of diplomatists, and settled by negotiation; or, if that finally fail, the next, and the only peaceable resort, as it seems to me, is to submit them to a tribunal, constituted with a proper and just regard to the spirit of our institutions, for arbitration. If our title to that territory is, as has been asserted, 'clear and unquestionable,' all argument and negotiation are at an end, and this House, therefore, has been wasting time in misdirected and useless discussion. Our deliberations should have been directed to a vigorous preparation for the maintenance of rights which have been thus boldly and unqualifiedly asserted. But, sir, while this declaration has been uttered and repeated by the executive and his friends upon this floor, they have, staring them in the face, the fact that he himself has offered to settle this controverted question by yielding up to Great Britain almost one half of the entire territory, thus denying and admitting, almost in the same breath, that she has rights west of the Rocky Mountains, below the latitude of 54° 40'. If Great Britain has no rights in Oregon, why has he offered to concede to her almost one half of it? If she has rights there, the delicate and difficult question to be determined is, where do our rights cease, and where do hers begin? That can not be decided by argument in this House, by debating the question now before us. If we pass the notice in any form, the question of boundary must finally be adjusted by negotiation, arbitration, or the sword. I am therefore, sir, opposed to arguing the question of the title here, surrounded as it is by difficulties which must, whatever may be said in this House, be finally arranged in one of the modes I have stated.

"The President of the United States, in asserting 'that he does not believe the territorial rights of this nation to be a proper subject for arbitration,' has assumed that to be a fact which no one will dispute, with respect to what are known and acknowledged to be our territorial limits; but it was for the purpose of ascertaining what those limits are in the territory of Oregon that I proposed to submit them to arbitration.

"The President, in his message of December last, informed us that 'all attempts at compromise had failed,' and called upon Congress 'to consider what measures it might be proper to adopt for the maintenance of our just title to the Oregon territory.' Now, sir, it would seem to me to be wise, in the first place, to ascertain what our 'just rights' are before we proceed to maintain them in the way indicated in the message. Arbitration seemed to me the only mode which could be resorted to short of war. This, as we have seen, the President has rejected, on the ground that our 'territorial rights' are 'not a proper subject' for that mode of adjustment. In taking this ground, the executive has not only departed from the long-tried and well-established custom of civilized nations, but he has taken a ground which has never been before assumed by the United States."

He then quoted authorities to show that the President, in taking the course he had thought proper to adopt, had arrayed against him not only the former practice of the government, but the high and unquestionable authority of the law of nations.

On the matter of the *title*, he said:

"How long is it, sir, since the assertion and the discovery have been made, that our title to all Oregon is 'clear and unquestionable?' The Baltimore Convention, which nominated Mr. Polk for the presidency, first sent forth this declaration. I fancy there are but few persons who did not then regard it as having been made for party purposes, and not as a grave assertion, to be sustained by

all the hazards and calamities of war. It assumed a more startling character when repeated by the President in his inaugural address. It then came upon the country like a clap of thunder from a clear sky. It was not even at that time supposed that it would be followed up and hurried through all the forms of diplomatic correspondence with a haste and in a spirit which seems to preclude the possibility of an amicable or equitable adjustment. This is the effect, sir, of throwing our foreign relations into party contests for political power. Those struggles have hitherto been confined to questions of domestic policy. Having exhausted almost every means of party strife, they have now seized hold of those questions in which other nations are concerned, and which may lead us to the most disastrous consequences. After having admitted, for the space of seven-and-twenty years, and by the negotiation and ratification of two solemn treaties, that Great Britain has rights in Oregon, the President and his party come before the country with a declaration, which is not sustained by the discovery of any new evidences of title in our favor, that our title to the whole country is 'clear and unquestionable.' If the President is sincere in this declaration—if he really believes our title to be so much better than that of Great Britain, why can he refuse—why does he seem to fear—to submit it to investigation, and to the decision of enlightened and honest commissioners or arbitrators? His refusing to do so seems to imply a want of confidence in his own declarations. That our title to that territory has been disputed ever since we laid claim to it, is well known to him and to all the world. That Great Britain would have declared war in 1792 against Spain, if she had not consented promptly to restore to their possessions and property the British settlers on Vancouver's Island, is equally well known. That Great Britain, in our negotiations with her in 1817 and 1818, and 1826 and 1827, maintained with great force and unyielding pertinacity her right to settle and occupy that territory, can be seen in the diplomatic correspondence upon that subject of those periods; and the very best that she would consent to do was to allow to the United States an equal right to settle and occupy, or what is termed in the conventions the right of joint occupation."

When the question was taken on the joint resolution of "notice," Mr. King did *not* vote. He had regarded that measure, from the first, as tending to war, immediately or remotely, between the United States and Great Britain, and he desired to give no vote, either for or against it, until such time as *all* the information in the hands of the executive had been furnished to the House. A call for that information, ample in its scope, had been made; but he complained that the answer to it was not full and satisfactory. It was evident, on the face of the communication itself, that a very large portion of the letter of Mr. McLane had been withheld. He cared not of how much importance the information which had been withheld might be—and, in its absence, he was compelled to regard it as of the utmost importance—the executive should have communicated it to the House, and the House could have considered it in secret session, if its character was such that it could not properly be made public. Because the executive had not laid before the

House all the information requisite to lead to a correct and patriotic conclusion, Mr. King could not conscientiously vote, and, therefore, did not. He was not disposed to embarrass the President in the management of our foreign relations, nor to withhold his vote from him whenever, in the view of a candid mind, it might be necessary to aid him in concluding negotiations. But, when called upon for such a vote, he must have before him all the information which it might be in the power of the President to furnish, touching the necessity or expediency of giving such a vote. Not possessing that information, he was opposed to action of any kind.

In the same speech from which we have quoted in regard to the Oregon Question, we find the following opinions in relation to the annexation of Texas. The calculations with which they close will startle many who may not have given their attention to the probable developments of the future :

“ Much has been said in this debate in regard to the annexation of Texas ; that it has destroyed the balance of power in the Union, or given a preponderance of territory to the slaveholding states. Now, sir, I am not aware that any Southern statesman was actuated by any such motive in his advocacy of that measure. Texas had achieved her independence, and maintained it for the space of nine years. She was a sovereign and independent state. She had a right to do with herself as she pleased. Our people had gone there, carrying with them our spirit, and establishing for their government our free institutions. They were bone of our bone, and flesh of our flesh. They had left behind them all the ties of the domestic relations. They carried with them the sympathies of their friends and relatives. They were bound to us by all the recollections of our national glory and achievements, and felt the same aspirations for the future as ourselves. They had no desire to remain a distinct and rival nation. They had no wish to throw themselves into the scale of European policy, for the purpose of creating a ‘ balance of power ’ among Anglo-Saxon nations of the American continent. They desired to join the great family of states of the American Union ; to unite their destiny with ours ; to join us in the onward march of our civil institutions. Neither they nor their brethren in the South had one thought with respect to what has been called here ‘ the balance of power. ’ They had higher and nobler motives. While seeking their own glory and prosperity, they desired to confer reciprocal benefits upon their sister states. And it is unquestionably true that, in a pecuniary point of view, the commercial and manufacturing interests of the North will be vastly more benefited by the annexation of Texas than the planting states of the South. But, sir, in that measure a great principle was involved with respect to the settlement of this continent by emigrants from the United States. That principle is, that wherever our people shall take up their abode in territory contiguous to ours, establish our free institutions, show themselves capable of wise self-government, and ask admission into this Union, it will unquestionably be the policy of this government to receive them. This, sir, I conceive, will be the American policy, as contradistinguished from that which has been promulgated in Europe with respect to this continent—to create rival nations for the purpose of establish-



ing a 'balance of power,' which will be equally pernicious to us as the 'balance of power' in Europe has proved to be there.

"This doctrine, I am aware, may be opposed by some, as leading to too great an extension of our political system. But who shall venture to place limits to modern invention, as applied to means of communication? Who can estimate the advantages to be derived from rail-roads and the magnetic telegraph? Who can say how distant the time may be when we shall communicate with the Pacific with greater facility, and in less time, than we did twenty-five years ago with New Orleans? Sir, I, for one, have no fears of evil consequences to result from the spread of our population and the extension of our institutions. I should be much more apprehensive of the establishment of rival and independent nations, who might be swayed by European policy, for the purpose of carrying out the idea of a 'balance of power' upon this continent. The idea which seems to prevail with many gentlemen at the North, that the annexation of Texas has destroyed the balance of power with respect to the slaveholding and non-slaveholding states, by the acquisition of territory, is entirely fallacious. If we assume the parallel of the forty-ninth degree of north latitude, running to the Pacific, as our northern boundary, and the parallel of 36° 30' as the southern limit of the free states to the Rocky Mountains, and from thence on the parallel of 42° to the Pacific, we shall find (including the territories of Iowa and Wisconsin) that the non-slaveholding states will have about eight hundred thousand square miles of territory beyond the states already admitted into the Union, and that the Southern, or slaveholding states (including Texas) have but about two hundred and seventy-five thousand square miles.

"[Mr. Culver. But how is it now in the Senate?]

"The gentleman asks how it is at present in the Senate. In reply, I have to say, that you only have to admit Wisconsin and Iowa to establish an equality in that body from both sections of the Union, and thereafter the admission of non-slaveholding will be much more frequent than the admission of slaveholding states. Sir, I am in favor of protecting our citizens in Oregon, and of extending to them all proper means of communication. I am in favor of a speedy adjustment of our claims in that territory; but I am in favor of its being done peacefully and honorably. A war would unquestionably either destroy or drive out our citizens from that country, and, if it did not deprive us of it altogether, would retard its settlement for many years. I am in favor of facilitating the emigration of our hardy pioneers. Let them, if they will, inhabit the shores of the Pacific. The increase of our population is so rapid that we shall soon carry our towns and villages not only to the base of the Rocky Mountains, but to the banks of the Columbia. A century is but a small space of time in the history of a nation; and yet, at the present ratio of increase, in the year 1945 there will be, if nothing happen to disturb our institutions, three hundred and twenty millions of people in the United States. And if you extend your view but twenty-five years further, there will be six hundred and forty millions of people united under one government.

He believes the Mexican war to have been the unnecessary and unconstitutional act of the administration [see title, JOHN W. HORTON, vol. i., p. 490]; that, but for the weakness and mismanagement of those in power, it might have been easily avoided; and that all our difficulties with Mexico, consequent upon the annexation of Texas, might have been peacefully and satisfactorily adjusted. He concurred in the opinion expressed



by many members that the *preamble* to the Mexican War Bill [see its history, vol. i., p. 404, title ROBERT C. WINTHROP] was "false and fraudulent" on its face. He regarded it as a trick to force the Whigs to vote against the bill providing the men and means to carry on a war which had been commenced by the President without the authority of Congress, the war-making power of the government. The Constitution had been virtually violated, and to screen the President from the fearful responsibility he had assumed, it was in this way attempted to fasten on the Whig party the odium of opposition to the war. The political scheme, however, had failed; and the great body of the Whigs, as is known, voted to support the bill which placed at the disposal of the President ten millions of dollars and fifty thousand volunteers.

In these objections to the preamble of the bill Mr. King entirely concurred, and his name [vol. i., p. 409] will be found recorded against it. Nevertheless, he could not hesitate to vote the means requisite for the vigorous prosecution of the war itself, which he desired to see brought to a speedy termination. At that time our gallant army was supposed to be in imminent danger, and the only impulse that moved him was an anxious solicitude to do whatever might be required to insure the safety of our soldiers and maintain the glory of our arms. Happily for our character as a people, these fears were groundless, and the next news from the army brought us the tidings of victory. In the brilliant successes at Palo Alto and Resaca de la Palma, no one rejoiced more than he did; and he felt an abiding confidence—which the event has justified—that in any further conflicts which might ensue, the triumph of our arms would not be less signal and complete.

He has shown himself at all times friendly to the cause of river and harbor improvements [see title, HISTORY OF INTERNAL IMPROVEMENTS], and was a delegate, as we have stated, to the Chicago Convention [see title, CHICAGO CONVENTION]. His efforts have been earnest, though as yet fruitless, toward obtaining appropriations for the removal of those obstructions in the harbor of Savannah which constitute so material an impediment to the commerce of that port, as well as to the planting and farming interests of Georgia. The River and Harbor Bill which was vetoed by Mr. Polk at the first session of the

twenty-ninth Congress, contained an item appropriating fifty thousand dollars for the improvement of the harbor of Savannah and of the naval anchorage near Fort Pulaski. We refer the Georgian reader to some matters on this point which may especially interest him, in the chapter on Internal Improvements to which we have referred; and that he may understand the character and extent of the injury done to the commerce of the city by existing obstructions in the avenues which lead to it, we quote the opinions of one of their representatives, whose claims to their respectful attention will not be questioned. Mr. King says:

"It can not be questioned that all obstructions in the harbor of our seaport, which render it more difficult of access, have a tendency to drive our commerce to Charleston, and, consequently, to impose on our agricultural products sent there for sale, and on all supplies received thence, a tax equal to the difference in the cost of transportation to and from Charleston, as compared with Savannah. It may be said, by some, that prices are sometimes better in Charleston than Savannah. If this be true, it arises from the simple fact that the former is regarded as easier of access than the latter; and this state of things having existed since the obstructions were made in the harbor of Savannah, is unquestionably the cause why Charleston has been gradually increasing in commercial importance, by receiving a large amount of the products of our own state, which would otherwise have found a sale equally ready and advantageous in the Savannah market. It is, therefore, not Savannah alone that is interested in the removal of these obstructions. Every planter and farmer in our state who raises any thing for sale, or who purchases supplies for family use, would be immediately benefited by any improvement, which, by facilitating the commerce of our seaport, would render it a better market for his exportable productions, and cheapen the cost of his supplies. It is, perhaps, difficult to estimate the tribute which Georgia has annually paid, or is now paying, to augment the prosperity and increase the commercial importance of Charleston. But it is quite evident, with a population and an annual production almost double that of South Carolina, if our seaport was rendered equally as accessible as hers, there is not only no good reason why it should not become the sole market of our own state and East Florida, but there are many reasons which might be adduced to show that it would then compete successfully with Charleston for the market of South Carolina.

"The bar which has been formed by the collection of mud and sand upon the wrecks, has remained so long, and become so extensive, that the descending current of the river and the ascending current of the tide have been thrown out of the Savannah channel, and forced into other channels among the islands on the north and northeast of the city. This being the case, the simple digging up or removal of the wrecks would not restore the navigation of the harbor, or make it what it would have been if they had never been sunk. The erection of piers or jetties and extensive dredging will be absolutely necessary to force the current back into its original channel, *and render permanent an improvement which would otherwise be only temporary.* It is, in my opinion, not only necessary to remove the wrecks, and thus to improve the channel where they were sunk, but other and probably more extensive improvements are required to render the harbor of Savannah what it should be, and what it is unquestionably the duty of the gov-

ernment to make it. A naval anchorage and station, properly defended from the approach of an enemy, are very much needed on the southern portion of our Atlantic coast. Savannah is the only fortified harbor south of the Chesapeake into which steamers and frigates of the largest class can enter. It becomes, therefore, a matter of the first importance for us to ascertain what improvements are necessary, not only in a commercial, but in a naval point of view. For this purpose, on my arrival in this city, I opened a correspondence with the Secretary of War (which has already been published), urging upon him the importance of causing accurate surveys to be made, as soon as practicable, of Savannah harbor and its neighboring inlet Ossabaw, that they might be returned to the department in time to enable him to place in his annual report the necessary estimates for appropriations to carry these views into effect. The secretary, with a promptness highly creditable to him, immediately gave the necessary orders. These surveys have been some time in progress, and will, I hope, be completed soon enough for us to claim the necessary appropriations at the next session of Congress. Entertaining these views with respect to the harbor of Savannah, and the improvements which are necessary to its commercial and naval position, it has been no part of my purpose to confine my efforts simply to the removal of the wrecks, but to commence at the outset a system founded upon an accurate knowledge of the wants and capabilities of our harbor, which, when completed, would be all that could be desired in a local or national point of view. For the purpose of commencing operations, the Secretary of War consented to place \$50,000 in the estimates of appropriations for the present year. This item went into the Harbor Bill, which passed the House of Representatives by a decided majority, and the Senate by more than two thirds, but, I regret to say, has been vetoed by the executive. I am aware the opinion has been expressed, and, I suppose, will soon be repeated, that it would have been better if I had introduced a separate bill asking for this appropriation. In reply, I have to say, if I had adopted that mode of proceeding, that, in the usual course of legislation, the bill would have been referred to the Committee on Commerce; the item, if approved, would have been added to the general bill, and shared the fate of that measure; that it is extremely difficult, under any circumstances, to force through an appropriation bill of a single item, when there is a general bill pending containing similar items; that, as almost all the items in the general bill were sent to Congress by the President with his message in December, and computed by the Secretary of the Treasury as entering into the expenditures for the year, no one dreamed, as far as I know, that the bill would be vetoed. But, suppose I had introduced a separate bill, and been able to prevent its reference to the Committee on Commerce, that it might stand alone upon its merits, there is not the least probability, such has been the absorbing interest of the great measures before Congress, that it could have been called up or acted upon during the present session. As far as that view of the case, therefore, is concerned, no time has been lost. A bill may be introduced at the commencement of the next session with quite as much probability of success as would have attended a similar bill introduced at this session. In further justification of the course I deemed it my duty to pursue, I may remark, that the only appropriations which have ever been made for the improvement of Savannah River were included in general bills, as follows, viz.: On the 3d of March, 1829, an appropriation of \$24,490, in a bill of items amounting to \$127,493 25; another of \$25,000, on the 2d of July, 1832, in a bill appropriating \$1,156,086 43 for the improvement of rivers and harbors; a third on the 28th of June, 1834, of \$30,000, in a bill appropriating \$732,283 for similar purposes; and the fourth and last on the 7th of July, 1838, in a bill appropriating \$1,467,317 16."

The attention of Mr. King, while in Congress, has been directed, also, among less important matters, to the establishment of a Southern armory; to appropriations for building a custom-house at Savannah, and for the establishment of a naval depôt there; to the building of a dry dock at Pensacola; and to surveys of the inland navigation between Savannah in his own state and St. John's in Florida. He introduced the joint resolution, which was adopted at the second session of the twenty-ninth Congress, authorizing and requesting the President of the United States to cause suitable gold and silver medals to be prepared and presented to the officers and men belonging or attached to the French, British, and Spanish ships of war in the harbor of Vera Cruz, who so gallantly, and at the imminent peril of their lives, aided in rescuing from a watery grave many of the officers and crew of the United States brig "Somers." Nor should we omit to notice his arduous but unsuccessful efforts, at the session recently closed, to procure the passage of a bill which he had reported from the Committee on Naval Affairs, granting to the Alabama, Florida, and Georgia Railroad Company alternate sections of the public land through which the road will pass to aid in the construction thereof. The bill gave rise to an animated controversy, of the merits of which we have ourselves but little knowledge.

His opinions in respect to all the leading topics of public policy have been freely expressed, and are upon record. As a debater, he is substantial rather than showy, argumentative rather than rhetorical. We suppose him to have no great personal partiality for participation in debate beyond the necessities of his position. The laborious habits of his mind seem rather to lead him in other directions. Cautious in the selection of his objects, and inflexible in the pursuit of them, he possesses a quiet, easy manner, which gives no indication of the energetic will that lies beneath it. An ardent defender of Southern rights, and an unyielding advocate of Southern interests, we have still found him national in all things, sectional in nothing. If the North has needed his voice or his vote, it has been cheerfully given, without regard to the consideration whether the South would have received similar liberality from Northern hands if she had sought it. He thinks the people of the United States, *as a people*, love their country with a devo-

tion "deep as a well," to use an expression of his own; and he believes that with just and wise councils the country must attain to a height of greatness and of glory beyond that, perhaps, which has ever been experienced in the annals of the world.

Since this memoir was written, Mr. King has been re-elected to the thirty-first Congress.



## PILSBURY, TIMOTHY.

**T**HIS gentleman represents that remote portion of the United States known as *Western Texas*: a state whose nativity has been attended with so many throes, so much of political bitterness, and so great an expenditure of blood and treasure.

He took his seat in the House of Representatives on the 10th of June, 1846, shortly after the infant republic had united her destinies, for weal or for woe, with those of the great sisterhood of states. Beginning the race of life on the far eastern border, and representing, in his meridian, interests and feelings the growth almost of its antipodes, his history furnishes a striking illustration of the power of adaptation to change and circumstance which distinguishes many classes of our citizens, and of the pervading influence of that Constitution whose overshadowing presence they have felt and acknowledged in their most distant journeyings. "Less than fifty years ago," says Mr. Pilsbury, "I stood on the banks of the St. Croix. The Valley of the Mississippi was then a desert. I now am farther west than I then was east of this metropolis."

One of the cherished objects of our labors has been to present, in plain and unembellished narrative, the biographies of some of those who, without the aid of wealth or connection, by the mere force of their own unfettered energies, have emerged from the obscurity in which they were born, and elevated themselves to the highest stations known to the institutions of the country. We are not of the number of those who believe that "self-made men," as they are termed, are alone entitled to be held up to the public contemplation as examples worthy of imitation, or that nothing can be good or enduring in the history of the republic that is not an object of *their* creation. Our pages will testify for us that we have adopted no such exclusive theory. But we have occasionally selected cases of that kind, because we were not ignorant of the influence which they



F. P. H. H. H.



exercise upon the general mind. We have cited them, that they might cheer the hopes and fortify the hearts of thousands in our land whose early dawn of life might hold out no brighter hope, and who might learn from such examples that *here*, and in *this* age, there are no barriers strong enough to arrest the progress of energetic minds intent on good and honorable ends.

Perhaps no more extraordinary instance of this kind will be found in any of our pages than that which we are now about to record. We trust the attention of the reader will not be withheld from us while we trace it. District schools and lawyers' offices have poured forth their hundreds—perhaps thousands—of public men, who had but to seize the opportunities held out to them to ascend the ladder of public preferment. But the instances are few in which those whose *library* has been the forecastle of a ship, and whose familiar companions from early youth have been the winds and the waves, could accomplish triumphs equally great. “The highest gratification,” we have heard Mr. Pilsbury say, “which I feel in any success that I may have achieved, arises from the consideration that I owe it mainly to the institutions under which we live; and that others, taking heart by my example, may see that, with good motives and a resolute will, no honor or office which our country can bestow is to be considered beyond the reach of its humblest citizen.”

Timothy Pilsbury was born in Newbury, in the State of Massachusetts, on the 12th of April, 1789. William Pilsbury was born in England in the year 1605, and was an inhabitant of Dorchester, Massachusetts, in 1641. This was the only family of the name in New England, and Timothy Pilsbury was the sixth descendant. His father was an ingenious mechanic. His mother was daughter of Deacon Wingate, of Saco, in the then District, now State of Maine. His parents had both been married before. His father had several children by his first wife, none of whom left issue but Mary Pilsbury, who married Samuel Greenleaf, of Newbury, who afterward moved to Bangor in the State of Maine, subsequently to Pittsburg in the State of Pennsylvania, and thence to Cincinnati, Ohio, where he left numerous descendants, who are now living.

His mother's first husband was a man named Stover—a master in the merchant service—who perished at sea on the first

voyage after marriage, leaving issue Sally Stover. The greatest kind of a girl she is said to have been, liberally endowed by Nature, and possessing all the attributes that make up an excellent female character. She was, among other things, an accomplished accountant, and when Mr. Pilsbury's father was largely engaged in business, kept all his accounts for him! She married Michael Little, son of Josiah Little, of Newbury, and died, leaving one son, Josiah Stover Little, who was educated by his grandfather, Josiah Little, who died, leaving him a large fortune. The grandson then moved to Portland, Maine, was subsequently a member of the State Legislature, and held the office of Speaker of the House of Representatives.

The father of Timothy Pilsbury died in January, 1800, the son being then in his twelfth year. He had casually, or at intervals, been at a common school—a *very* common school it is described to have been. The *bent* of his mind was toward the study of mathematics, but the teacher was incapable even of detecting the inaccuracies of his arithmetic. His father left a very small property, and *that* under considerable embarrassment. After his debts had been paid, there was but a small pittance left for the widow and her four young children. Of these, Timothy was the second, the oldest being a sister.

The circumstances of the family were so straitened that its members were compelled to put out and do something for themselves. At the age of eleven and a half or twelve, Timothy left school and went into a store at Newburyport, where he remained for about two years. Looking to the situation of his family, he believed that nothing was left for him but to go to sea. He therefore shipped as a foremast hand on board the ship "Romulus," Captain Lufkin, belonging to Jacob Little, of Newburyport, the father of Jacob Little, broker, New York. She was bound to Charleston, South Carolina, and thence to Greenock, in Scotland, whence, having narrowly escaped shipwreck on a lee shore, she returned by Liverpool to Boston.

On the next voyage he shipped in the "Aurora," Captain Jonathan Titcomb, formerly a lieutenant, during the French disturbances, in a United States sloop of war. The ship was bound to Georgetown, in the District of Columbia, and thence to Hamburg. He was a great favorite with the captain, and was much attached to him. "Titcomb," we have heard him



say, "was the most accomplished master of a vessel it has ever been my lot to become acquainted with. He is in his grave; but if I could speak to him now as I do to you, I would say as much."

The ship left Hamburg for Alicante, in Spain, for the purpose of procuring a freight of barilla. She lay there three months, and, failing to accomplish her purpose, she was steered for a little port called Lamatec, where she took in a cargo of salt for Boston. She encountered very severe weather, and suffered much in her sails and rigging, but finally arrived on the coast in the dead of winter, and with the ship's company on "short allowance."

She was a bad sea-boat, and thoroughly leaky. When on the coast, a violent gale sprung up. The sails of the ship had been repaired, particularly the foresail, but the gale came on so suddenly that there was not time "to mouse the hook," as the sailors say, which fastened the fore sheet. The ship lay to badly, frequently shaking the foresail, and risking the loss of it by the unhooking of the sheet. The captain, standing in the companion-way, called upon Mr. Pilsbury to give him a piece of rope, telling him, at the same time, to lash the sheet to the stanchion, to prevent its unhooking.

As he passed forward to obey this order, at the moment he came abreast of the "caboose-house," a heavy sea struck the ship. It carried away all the weather-boarding—part of the lee-boarding having gone before—broke nearly all the weather stanchions, carried away the long-boat, caboose-house, and every thing on deck—swept the decks, pitched Mr. Pilsbury into the lee scuppers, and thence overboard into the sea. On his way, he caught hold, instinctively, of the clew-garnet of the mainsail, which was coiled on the lee side. Before he was extricated from his perilous situation, a second sea struck the ship. The bolts which confined the iron caboose were *drawn*, and the caboose came down within a foot of him, striking the gunwale and going overboard.

The first sound which struck upon the ear of Mr. Pilsbury was the captain's voice, calling aloud upon the crew to "save him." By their united and powerful exertions he was drawn out of the water and saved. He had been an invalid during the whole homeward voyage, but he performed his duty during every period of it.

The ship was thirty days before getting into port. During the whole of this time her company lived on raw provisions—pork, beef, and bread. When she arrived in port, so constant had been his turn at the helm, for four hours at a time, night and day, while others were pumping, that his side was a complete blister, from the heavy jerking of the wheel.

He spent two or three weeks ashore, and engaged as second mate on board the same ship, which was then to be commanded by Captain Isaac Rand, of Newburyport, of whom Mr. Pilsbury says, that though somewhat arbitrary, he was a most accomplished commander. The ship had the consignments of a cargo from Boston to Copenhagen, and thence to Cronstadt, in Russia, where she loaded with hemp and iron. She lay alongside of a ship from Philadelphia, commanded by Captain Skinner, the father of Captain Skinner now of the United States Navy, who was then her second mate. From thence the ship again sailed to Copenhagen. The British fleet and army had invested and taken that city, and the house in which the ship's company had boarded on their way up had been blown to pieces by bomb shells. The ship returned thence to Boston. Then followed the embargo of 1807.

His next voyage, after this, was as chief mate of the ship "Hesper," commanded by Captain Cushing, father of Brigadier-general Caleb Cushing, formerly a member of the House of Representatives, but more recently on service in the Mexican war. The ship voyaged to Savannah, and thence back to Boston.

He then sailed as chief mate of the ship "Massachusetts," Captain Buntin, bound to Charleston, and thence to Liverpool. The son of Colonel May, of Boston, was the second mate.

When about two thirds of the way across the Atlantic, on the way to Liverpool, a gale sprung up from the southeast. The ship was put under close-reefed topsails. She had a *deck-load* of turpentine and boards, which came level with her waist, and made it dangerous to go fore and aft in the performance of the necessary duties of the ship. *May* was set to work to build a barricade to keep the men from falling overboard. He completed his work about sunset. In making the barricade, a space of about eight inches was left to becket the main sheet and tack. It was *May's* watch on deck at eight o'clock, about which time Mr. Pilsbury went below to his berth.

In going forward on the deck to light a cigar, *May*, when he came abreast of the narrow space we have mentioned, in a heavy roll of the ship, fell overboard. Those who have any acquaintance with a seafaring life, know the thrill which runs through every heart at the cry of "a man overboard!" Mr. Pilsbury sprang instantly from his berth, rushed on deck almost without his clothing, seized the wheel, put the helm hard alee, brought the ship into the wind, jumped into the stern-boat, ordered the men to stand by the tackles, and called loudly for a *volunteer*. Every seaman stood aghast; not a willing voice was heard among them.

There was, however, among the crew one *green hand*, whose name is lost, but who shipped from Haverhill, in Massachusetts, who stepped forward and volunteered his services.

Though the gale had somewhat abated, there was a heavy sea on, and the night was dark as pitch. Orders were given to lower the boat. Mr. Pilsbury was in the stern sheets, with his hand upon the tackle ready to unhook. The cordage, from being wet, had become stiff, in consequence of which the bow of the boat got foul, and the stern tackle was let go. The boat was thus perpendicular in the water, and, as the ship pitched, would dip ten feet down. Mr. Pilsbury crawled through the water from the stern to the bow of the boat, and ordered her hoisted up again, a movement which was successfully effected. At the second attempt she was lowered safely into the water, the tackles were immediately cut, and she was freed from the ship.

They pulled a long distance on the larboard quarter, the drowning man all the time crying out, "*Bear a hand!*" His voice guided them to the spot where he was desperately, but feebly, struggling with the waves. They dragged him on board the boat. He lay across it like a rail, being a very tall man, and only gradually sank into the boat as the water came out of his mouth. He was saved.

A poor ignorant Italian, also a *green hand*, shrugged his shoulders as the man was laid upon deck, and remarked, "If that had been *me*, I would have gone down," pointing to the sea, and meaning that no one would have taken the pains to save *him*, alluding to the fact that *May* was a rich man's son. "Poor fellow," we have heard Mr. Pilsbury say, "I can bring

him before me now. There was a conviction of abasement about him painful to behold." How curious is the history of mankind. When about two thirds across the Atlantic, the ship made all sail in the morning watch, which was Mr. Pillsbury's, and was going rapidly through the water at the rate of about ten knots an hour. The Italian was a Catholic, particularly neat and cleanly in his person, and regularly washed himself every morning before he ate. In the effort to dry himself, hanging over the long-boat, he lost his hold, stepped backward to recover himself, struck his foot against a spar that lay on deck in the scuppers, and *pitched overboard!*

The ship at the time was under a press of canvas, carrying studding-sails and every thing that would draw.

The moment the cry "a man overboard" was heard, Mr. Pillsbury rushed to the helm and put it hard alee. The captain, running up to him, said, "Are you going to carry away the masts?" at the same time taking from him the helm, righting it, keeping the ship away, and ordering him to take in sail. Every thing was lowered away as quick as possible. Mr. Pillsbury then took to the boat, lowered her, and with one man to accompany him, went in search of the doomed Italian. By this time he was perhaps more than half a mile astern. Men were placed in the mizzen-top to direct the boat in its course. She proceeded to windward until a hat was discovered. The coming event *had* cast its shadow before. The poor Italian had sunk to a watery grave, and the ship proceeded on her course.

In the process of time she arrived off Charleston harbor. An order was given to a Spanish sailor to do some work about the anchor on the starboard bow. In the performance of this duty he slipped overboard. He could not swim a stroke. Mr. Pillsbury was standing in the waist, and saw the sailor pass him like a dead body. The boat was immediately lowered, and the persons in it were warned from aloft of the drowning man's position. When they arrived at the spot, they found him about two feet under water, going down for the last time. Mr. Pillsbury reached over the bows, caught him by his long hair, and dragged him into the boat apparently lifeless. When put aboard the ship, he remained in the same inanimate condition. There were six passengers aboard, among whom was an emi-



ment physician of Charleston, whose name is not recollected, but who may now be living, and may possibly remember the circumstance. Under the skillful treatment of this physician, the man, in about two hours, came to his senses. He did not, however, finally recover his health for several months, the accident having left him with a severe bronchital affection. Mr. Pilsbury refers with deep gratification to the part he had in saving the life of the Spaniard, who, he says, was a man of noble character, competent to his duty in all respects, and a perfect seaman.

Mr. Pilsbury sailed in the same ship to Madeira and the Cape de Verde Islands, and thence to Boston.

After this he was appointed to the command of her for a voyage to Savannah. He bought, according to his means, every thing that was required for her equipment—charts, books, &c. On the day on which he took charge of her, an offer was made by certain merchants of New Bedford to purchase her, at an enormous price, as a whaler. On the previous voyage she had made enough to net her whole value. The owners notified Mr. Pilsbury of the offer which they had received for the purchase of the ship. He told them by all means to accept the offer. The ship was sold, and Mr. Pilsbury returned to Newburyport.

The previous voyage had terminated, as we have said, at Charleston, and some difficulty occurred in regard to the amount of wages to be paid to Mr. Pilsbury for going in her to Maderia and the Cape de Verde Islands. On the day fixed for settlement, a disagreement took place with the captain. He denied statements which Mr. Pilsbury declared to be true, the point turning on the difference between proper wages at Charleston and those which he had received on the original voyage from Newburyport.

A meeting was fixed at the house of the captain, the owners, Messrs. Hale, being present. After "a stormy debate," Mr. Pilsbury left them, and they paid his account according to the rule by which he had, in the first instance, made it out. The opinion prevailed, however, that he had exhibited too strong evidences of passion: an imprudence, growing, he says, out of a sense of injustice, which tinged his prospects with a melancholy hue for many subsequent years. Therefore it is



that we have alluded to a circumstance otherwise best forgotten.

The owners were building a new ship. They were his neighbors and friends, and, but for this outbreak, would certainly have given the command of her to him. But they never made him any allowance for his outlay in the equipment of the vessel as master, and he left the ship without any remuneration beyond his expenses from Newburyport to Boston.

At this time, his uncle, Edmund Wingate, the brother of his mother, was fitting out at Newburyport a new ship, called the "Essex," and invited him to take a mate's berth, which he accepted. It is a remarkable fact, in connection with this vessel, that she contracted for a freight at City Point, Virginia, to be delivered at a certain time there, when her upper decks were not laid, freights being then enormously high. To accomplish the object, it was requisite that she should be completed and rigged with great dispatch. She was launched in a fortnight, and rigged in a week, and sailed for Savannah in three weeks from the time the contract was made. She sailed from City Point to Cork, thence to Liverpool, the Cape de Verde Islands, and Boston.

In the year 1811 he took charge of a schooner to France, intending to run the blockade. She arrived at Cordovan Light, at the mouth of the River Gironde, and came to anchor at about eight o'clock in the evening, with a southerly wind, and in a thick fog from the shore. She lay there in the fog until ten o'clock the following night. The shore could not be discovered during any portion of this time, but the roaring of the breakers was distinctly heard. A heavy blow coming on, the schooner was compelled to weigh anchor, the sails having been reefed in anticipation of such a necessity.

The captain wore her off shore, and, just as he did so, the fog scaled off, and the Cordovan Light made its appearance due east, the wind being then southeasterly. The schooner lay off the land until two o'clock in the morning, at which hour she wore on shore. As, about the dawn of day, she approached the land, a British frigate, believed to be the "Nieman," was discovered close aboard. She poured a broadside into the schooner, which, having no armament, struck. A prize-master and six men were put aboard. All the crew save Cap-

tain Pilsbury were taken out of her, and she was ordered to Plymouth.

For two days she scudded before a heavy sea. The prize-crew, not knowing how to sail her, had, by constantly *gibing* her, torn away the forecastle and companion doors. The wind at length subsided, and the schooner hauled to the westward. She was yet under all sail, being then about sixty or seventy miles to the northward of the Isle of Groix, near Quiberon Bay.

Captain Pilsbury now formed a plan to retake her, and carry her into France. He was armed. He supposed the prize-crew to be also armed. At eight o'clock in the evening, the prize-master and three of the crew being below in the cabin, asleep, and three men—namely, the one at the helm, and two others—on deck, the captain hauled up the companion ladder, and ordered the two men on deck, not the helmsman, into the fore-castle, whither they went.

Having seen these orders executed, he directed the helmsman to keep the schooner away four points, so as to approach the French coast. The order was obeyed. The noise attendant on these various movements awakened the prize-master. A conversation ensued between them, and the captain warned him that if he came on deck he would blow his brains out. The reply was, that if the captain intended to take the vessel, he must first take the prize-master's life, because his honor was concerned. He was a young man, and acted steadily.

The three men in the cabin, with the prize-master, then went to work with handspikes, crowbars, and all the tools which were below, to break up the after part of the schooner, particularly the skylight, which was long, she being what was known as a packet schooner. This they succeeded in doing. They knocked the skylight to pieces. Mr. Pilsbury called aft the two men whom he had ordered into the fore-castle, to assist him in throwing a cable, which lay on the deck, over the broken skylight.

Having aided in this operation, the two men seized a favorable moment, sprang down into the cabin, and joined their comrades.

Some time elapsed, during which they were concerting measures of action. After scattering with handspikes the cable which lay upon the skylight, and thus making a clear opening

for egress, besides the opening of the companion-way, the whole number rushed on deck and overpowered the captain. The men laid violent hands upon him, and got him to the gang-way with the intention of throwing him overboard, but were restrained by their officer. The captain was then bound hand and foot, and kept on deck under charge of a sentry, who used his own pistols, the crew having no weapons except a single dirk, as he then for the first time learned.

The schooner was taken into Plymouth. The captain had passed through the usual examination preliminary to the condemnation of the vessel as having broken the blockade, when the officer made his appearance in court and stated to the Admiralty judge the attempt which had been made to take the vessel. The judge made light of the matter, and the captain, having forfeited all his property, was set at liberty.

From Plymouth he sailed to New Bedford, in a ship belonging to Mr. Parker, of the latter place, called the "Madoc," Captain Dunbar, now dead. The owner kindly declined to charge him for his passage.

He arrived previous to the war of 1812, soon after the embargo had been laid. At the commencement of the war, certain mechanics in the neighborhood of Newburyport built a privateer schooner called the "Yankee," which sailed on a cruise to the West Indies, commanded by Captain Stanwood—a very clever man—whose usual mode of swearing was "Blow me up to the moon." Hence he was called, "Blow-me-up-to-the-moon Stanwood." He *was* a very clever man. Mr. Pilsbury was his first lieutenant. The vessel carried a crew of sixty, with the necessary complement of officers.

When a few days out, in the Gulf Stream, there came on a violent gale from the southeast. The vessel was heavily sparred, and rather crank. At about ten P.M., most of the men were sent below, and the hatches battened down, leaving on deck only such few as was requisite to take care of the schooner. She was laying to under bare poles, the sea making a breach over her. About half an hour before midnight, she was in evident danger of being upset. Mr. Pilsbury was directed to go forward, that, on the order being given, he might cut away the masts. The captain gave the order three times, and Mr. Pilsbury disobeyed it. In the mean time, the lee guns had

been thrown overboard. At twelve o'clock the wind suddenly died away into a calm, leaving a tremendous sea running.

In the midst of general congratulations of safety, the wind struck out suddenly and violently from the northwest, being the precisely opposite direction from that in which it had been blowing. The weight of the gale soon buried three or four streaks of the lee-deck under water, the schooner then lying nearly on her beam ends. Mr. Pilsbury was again ordered forward, and took his station, ready to cut away the mast, standing upon the channel, the rail being nearly upright, and the yards in the water. Two or three times the order was given to cut away, and he again disobeyed. A terrible sea then struck her, carrying her nearly over. A cry rose from the quarter-deck, "All is lost!" Mr. Pilsbury instantly cut the rigging, but, to his astonishment, the mast did not break. The rigging flew at the stroke like lightning, the foremast bent like a whip, but the stick did not break.

A moment only remained for the preservation of all on board. Mr. Pilsbury was some eight or nine feet from the mast, which lay nearly in a horizontal position. He sprang this distance, between the gunwale and the mast, lighted upon the mast, at the same time striking the ax into it, letting it go, and clinching the mast, when the splinter started, the mast broke off some fifteen feet above the deck, and the schooner immediately righted.

At eight o'clock the next morning she was running back to port under jury-masts, at the rate of nine knots an hour, and in two or three days she arrived at Salem, where she was partly owned. A new foremast was put in, the proportions of the masts were reduced, and the schooner, still a privateer, sailed on a new cruise, under the command of Captain Pilsbury.

She was bound for a cruise off the West Indies. Owing to head winds, and calms in crossing what are known as the "horse latitudes," she had a long passage to reach the cruising ground, which lay off the Windward Islands. In refitting the vessel, the bottom, which was without copper, had not been cleansed. When in sight of Sombrero she chased a Ballahoo schooner, and lost sight of her in the night, but made her again at eight o'clock in the morning. The two vessels crossed each other, bearing to windward. Supposing her to be within reach, Captain Pilsbury fired into her. The sailing of his



schooner, however, was much impeded from the cause we have stated, barnacles having grown upon the bottom. The stranger consequently escaped; but, immediately after she got clear, a sail was made to the east. She soon proved to be an English man-of-war brig. She chased the schooner all day, slowly but certainly gaining upon her. The brig being dead to windward, the schooner had to run before the wind. The only hope Captain Pilsbury had was to escape in the night. He had lightened the vessel in every possible way, and used the sweeps throughout the day. The brig, however, pressed the chase, and about nine in the evening came up with the schooner.

When close aboard, and without having hoisted any colors, the captain took in all sail as a sign of surrender. The commander of the brig demanded, "What schooner's that?" to which Captain Pilsbury replied, "The privateer Yankee." On the instant a broadside was fired of every thing the brig had on board, including small arms from the tops, musketry, and every thing else. All the fore part of the schooner, rigging and every thing, were cut away by the heavy grape and canister which fell on her forward part. Most of the people, immediately after the surrender, had gone below to prepare for the transshipment. Probably only some ten out of the seventy, including the captain, remained on deck, but for which circumstance there must have been great slaughter.

All hands were removed on board the brig. The captain found her commander a gentlemanly, clever man. In explanation of the broadside, he said that he had fired because, being night, he thought the schooner might get away. He disavowed any intentional cruelty, and expressed the gratification he felt that no life had been taken. They were carried into English Harbor, in Antigua, and thence taken to Barbadoes, where the captain and his officers were put, with others, on parole on shore.

The regular allowance furnished throughout the British possessions to all parole prisoners on shore was two dollars per week. Those who were prisoners at Barbadoes before the captain's arrival, made application to the governor, Sir George Beckwith, for additional allowance. He granted them two dollars a week extra out of his own pocket, until such time as he could hear from his government. This allowance was continued during all the time the captain remained there.



A short time after this capture, the privateer brig "Decatur," Captain Nichols, from Newburyport, was captured and brought into Barbadoes. He was particularly odious to the British government, because he had made many prisoners, and had, previous to the war, during the blockade of the French coast, recaptured his own vessel, which had been taken while running the blockade, and had put the prize-crew in the boat off the coast. Captain Pilsbury bears his testimony that a more amiable and kind-hearted man did not live; but his character for ferocity had been increased by the circumstances attending the capture of the last vessel which he took before he was himself made prisoner. The vessel was a British letter-of-marque. He ran alongside of her in the night—yard-arm and yard-arm—hailed her, and poured a whole broadside into her, precisely as had been done in the case of the "Yankee." Though every person coming in contact with him spoke of him with kindness, unusual even among friends, still those unacquainted with him viewed him as little better than a monster. Officers of the British government, particularly, took this view of his character, and sent him home to England for trial, on certain charges of crime, *in a cage*. It is needless to say that he had done nothing that was not justified as well by natural rights as by the principles of international law. He was, therefore, cleared. His case is pointed to as an evidence of the facility with which mankind will condemn an action which, had it been done under any of those conventional regulations which are considered the legitimate rules of human conduct, would have been regarded as an ordinary and proper transaction.

In a short time after Captain Pilsbury's arrival at Barbadoes, he was taken sick, and required to go to the hospital. Of all things in the world, he had always entertained the greatest dread of a hospital—as great, he says, as he had ever entertained of a jail. He put off going for two or three days, and became very sick. The persons in attendance finally refused to wait upon him at his lodgings, and he was compelled to go to the hospital. It was distant about four miles from Barbadoes, on the eastern slope of the island. On his arrival he was conducted into a neat and beautiful room, which was one of twenty calculated for the officers of the army. He was put under hospital treatment, and in a few days was convalescent.

A more beautiful place, he says, there is not in the world. The comforts provided were beyond those to be found in the best private circles there, and the science of the medical advisers was of the first order. The principal was a man remarkable for his amiability and humanity, and enjoyed a great reputation as a scientific practitioner. He offered to second the request of Captain Pilsbury to the governor that he might, on the score of health, be released and go home. He did so. In twenty-four hours the captain received an answer, through this gentleman's intervention, granting the release. The captain went from Barbadoes to St. Bartholomew's, and thence by New London home.

Shortly afterward, his brother, Wingate H. Pilsbury, who was a prize-master aboard the "Decatur," Captain Nichols, and took the first prize into France in the war with England, arrived.

During the whole period of these events, Mr. Pilsbury had met with nothing but one uninterrupted series of misadventures. He was confined at home, under the parole which he had given, when trade and commerce were almost dead, and nothing was brisk, he says, but fighting. He and his brother united such stock as they had, and bought a small boat, for which they paid the sum of two hundred dollars, pawning a portion of their nautical instruments to effect their purpose. This vessel was built in Salisbury, Massachusetts. She had been a pleasure-boat, and had been cut in two and lengthened, which made her a remarkably fast sailer. She had been on a privateering cruise to Nova Scotia, but had been unsuccessful, and had had one of her crew shot.

The two brothers traded coastwise from Penobscot Bay to New York, and made a great profit. For sixteen or eighteen months they succeeded in eluding the vigilance of the different British squadrons hovering on the coast. They carried all the news from place to place. For nearly a year their movements were as successful as they were rapid. Mr. Pilsbury claims to have been the first to have sailed successfully round Cape Cod and through the little channels coastwise—to have projected that trade which afterward employed hundreds of vessels.

They made money and sold out. Soon afterward the war terminated. Mr. Pilsbury then took command of the ship "Harriet" to Savannah, New Orleans, and thence to Bordeaux.

He left the latter place in 1816. When half way between the West India Islands and Madeira, the ship sprung a leak. After three days of hard pumping, the people aboard took to their two boats, having a small sail in each, and left the ship in a sinking condition.

There were a crew of ten persons, and ten passengers. Among the latter were two persons who had been banished from France, one of whom had been a member of the Council of the Five Hundred, from the Department of the Gironde, and who had voted for the death of Louis the Sixteenth. The other had been a member of the Chamber of Deputies on the return of Napoleon from Elba. Under Louis the Eighteenth they had been sentenced to death *par contumacie*, being *absconding*, but their sentence was finally commuted, through the instrumentality of La Fayette, to banishment for life. They were put on board Captain Pilsbury's ship under a guard, which continued until she left the mouth of the Gironde for sea.

The captain had taken the precaution to have his long-boat *decked*. Sixteen persons were put into her, the captain commanding. All the provisions were in her. In the small boat there were six persons, commanded by the mate. On the second night the weather became stormy. An attempt was made by those in the small boat to board the long-boat, but they were kept off by force, because she was not capable of holding more persons than were already in her.

The provisions consisted of water, sufficient in quantity to allow half a pint to each person morning and night, two sheep which had been previously cooked, and some preserved meats which had been laid in for the passage.

The island of Madeira lay a little to the northward of east, and westerly winds prevailed. On the third day there was a severe gale. The boats had to lay to. They did so with a spar, to which was attached a triangle, with a long scope of rope out; and in this manner they rode out a severe storm, the sea continually breaking over them, and the boats sometimes being half full of water. Fortunately, they had some oil on board. They poured it upon the water from each side of the boat, and to this circumstance the captain attributes their preservation.

The gale having subsided, the boats again bore up, under small sails, eastward for Madeira. At sunrise of the fifth day

a sail was made in the southeast. Both sails were put into the small boat, which was dispatched in the direction of the stranger. They reached her. She turned out to be a sloop, under a double-reefed mainsail, close hauled upon the wind, and bound from the Mediterranean to Philadelphia. About eleven A.M., all hands from the two boats got safe on board of her. She had about seven persons in her, making in all, with the addition of the ship's officers, crew, and passengers, some twenty-nine souls. Among Captain Pilsbury's passengers were two women, who, although they suffered from fright and deprivation, were still well. The long-boat, which had done such good service, was turned adrift, and the small boat taken on board.

In the interval during which the boats had been exposed, much of the provisions had been damaged, and, on making a calculation, it was found that, on short allowance, there was not more than eight or ten days' provision for the whole company. Captain Pilsbury now made a proposal to the captain of the sloop to give him the sum of one thousand dollars to carry him and his people to Madeira. This he declined to do; wherefore, as the only means of preserving their lives, the captain and those with him forced him to keep away for that island.

Among Captain Pilsbury's passengers was Clement March, formerly of Portsmouth, New Hampshire, and brother of Mr. March, of the firm of March and Company, extensive merchants in Madeira. This firm extended to the whole crew the most generous hospitality; besides which, a French frigate, lying there, sent supplies for the French passengers. The company were put under quarantine for twenty days, after which they went on shore. The Philadelphia sloop was compelled to sell her cargo to pay the port charges. Mr. Pilsbury has never heard of her since!

The member of the council from the Gironde was a man who had attained nearly to his ninetieth year. He had been one of a committee who acted in the councils on the subject of the spoils that were gathered from the successes of the French army. He had in his possession a china cup, inclosed in a morocco case, which was the traveling accompaniment of the Duke of Wurtemberg, whose arms it bore. This article the old man had preserved during all the mutations and perils of his life. He presented it to Clement March as a testimonial



of the kindness he had shown, and gave the following account of the manner in which it came into his possession :

As a member of the committee of which we have spoken, it was allotted to him to destroy all the insignia of royalty except the flags, which were placed with the archives of the government. The old man, thinking it a pity to destroy it, had kept the cup as a sort of precious memorial of the royalty which had passed away.

The crew were sent home by the American consul. They separated, going home by different ways. To Captain Pilsbury a passage was given to Charleston, South Carolina, in a trading vessel, owned and commanded, we think, by Captain Hall. Thence he took passage for Boston, and thence to Newburyport, having been absent sixteen months. After this he took charge of a brig to Baltimore and home again.

A series of misfortunes, such as we have described, had left him at this time without money or means of any kind. On the invitation of his wife's father, he went to Eastport, Maine, where he resided, and shortly afterward engaged as supercargo of the brig "Beaver," bound for Trinidad, in the West Indies. Subsequently he contracted for a residence there, intending to take charge of the business of three vessels engaged in the West India trade under British colors. He remained in that trade for two years, when he went into business in Eastport, in company with Leonard Pierce, who had married his wife's sister. He continued in business with varying success, dealing largely in trade with the British provinces, when he was prostrated by one of those convulsions so incident to new countries. He found himself unable to pay his liabilities, and with a large family to support.

Previous to his bankruptcy—that is to say, about the year 1826—he had been chosen a member of the Legislature of the State of Maine. He was again elected after his bankruptcy. He was then chosen a member of the Council of the State. He applied to the general government for the collectorship of the port of Eastport, but was superseded by another applicant ; and, after having expressed his willingness, from the necessities of his family, to accept a subordinate office in the custom-house, was pronounced unworthy of the appointment. He has uniformly expressed the conviction that he was defeated in this



object by one of those intrigues, incident, perhaps, to politics, but set on foot by men from whom he had a right to expect protection and friendship.

He now found himself entirely without resources, and with a large family, mostly young, looking to him for support. Through the kindness of his wife's father, Ezekiel Prince, he was enabled to purchase a small schooner. He put into her, as his mate, his son, Albert Pilsbury, then about seventeen years of age, and who had never been at sea. He sailed to Baltimore, thence to Jamaica—being the first arrival after the ports were opened to American vessels—thence to other places, and finally to New Orleans, where he sold the schooner.

Being now in the possession of some funds, he purchased at the latter place the half of three vessels which had been wrecked. He sunk all his capital in the expense of getting them off, and had finally nothing left but one of the vessels, a brig called the "Orient," which was so much injured in getting her off shore that she was almost worthless. He succeeded at length in procuring advances on this brig, payable out of the freight—got a good freight to Amsterdam—sailed thence to Saint Thomas, and thence to Mobile. From that port he took a freight to Laguna in Yucatan, Marseilles in France, and thence to Messina and Palermo, where he loaded with fruit and other articles.

During the voyage from Laguna to Marseilles, and within one day's sail of the latter place, when running before the wind, one of those sudden changes so apt to be experienced in the Mediterranean came on. At midnight the wind shifted in a few minutes from west to east, blowing a gale, or, as it is termed in those parts, a *Leranter*. We have ourselves, in our own time, had interviews of an exceedingly urgent character with some of the tribe that bear this name.

The ocean was feather white, and the sea sweeping over the decks. There had been something of a sea running from the westward, and, the gale meeting it, threw it right over the brig's decks. The square sails were reefed down snug, but, in the act of reefing the trysail, the man at the ear-ring fell overboard astern, the vessel then going about three knots an hour, and making about four points leeway. The captain was standing within a few feet of him, and near a skylight cover, which was very large. Seizing it, he threw it over the stern of the ves-

sel a distance of more than twelve feet. It fell, as was afterward ascertained, within a few feet of the man. Some time elapsed before the boat could be lowered and volunteers obtained to go in her, so desperate was the case. Having watched the course the vessel was making, the captain directed the boat how to pull. She was absent nearly an hour, and had been given up for lost, when she returned, bringing the man safe on board, and even the covering of the skylight, *which had saved his life*.

From Palermo the brig sailed for New York. Thirty days after leaving port, having met a continual succession of gales, she was in sight of Malta, having drifted down there, and being in company with the Austrian frigates that conveyed the exiled Poles to the United States. Thirty days more elapsed before arriving at Gibraltar, where the brig put in for provisions and repairs. On application to Horatio Sprague, then and now United States consul—than whom, Mr. Pilsbury says, a better officer never served the country—she was furnished with every thing she needed. She proceeded on her homeward voyage, and was two months in making the passage to New York, making four months from the time she left Palermo. The cargo, consisting mainly of fruit, was nearly ruined. Business was prostrated by one of those panics which seem to fall periodically on the business of the United States. These adverse circumstances combined caused Mr. Pilsbury to lose upward of five thousand dollars, and compelled him to sell for fourteen hundred a vessel which had cost him more than four thousand.

With this remnant of his ventures Mr. Pilsbury purchased a small schooner. He took freight to Truxillo, on the south side of the Bay of Honduras, delivered cargo there, and proceeded on the voyage to New Orleans. When about four days out, the schooner struck, at ten at night, upon a ledge surrounding the Triangle Shoal, situated seventy or eighty miles from Balize, Honduras. The current had drifted her forty miles out of her course in twenty-four hours.

She sunk instantly, all except the bows, which struck the rock. The two small boats were got out, the wind blowing on the ledge. The crew pulled to windward all night—the *longest* night, Mr. Pilsbury says, he had ever known. The boat in

which he had embarked was quite small, and the least unfavorable change would have swamped her. His anxiety was painfully increased by the fact that he had with him a young son, not then thirteen years of age, whom he had taken out, intending to place him at New Orleans. The next morning, at eight o'clock, being in sight of the vessel, which, contrary to expectation, had not gone to pieces, he and his people again boarded her. They succeeded with great difficulty in getting the boats over the reef, which was all breakers, into smooth water. They fished up from the schooner's hold some water, and beef, and wet rice, and discovered from the mast-head a small, flat, low mangrove island, distant in a northerly direction about fourteen miles. They made for this island, and arrived on it about the dusk of evening. It was bordered with a cloud of gnats so dense that the visitors were compelled to take the boats and anchor at some distance from the shore, in order to obtain sleep, which all hands greatly needed. The night came on cold and rainy. They were without any shelter or covering except the clothes they had on. In the morning they went ashore. The morning breeze had blown the gnats ashore, and a comfortable landing was effected.

The next day the captain dispatched the men to the schooner, to see if they could gather from her such things as were necessary to aid them in reaching the main land, distant about seventy-five to a hundred miles, and known as Ambiguse Island. They returned with considerable necessaries, among which was some seamen's bedding, procured from the forecandle, which was out of water.

Before twelve o'clock of the same day, the boy of whom we have spoken—Mr. Pilsbury's son—was seized with a raging fever. They found a small hut on the island they were on, which was used for the turtle fishery, but there were no inhabitants, nor any fresh water. On all the borders of the shore, however, there were cocoa-nuts in abundance.

Here they remained seven days, the boy continuing to grow worse all the time. On the eighth day they sailed for the main land, and succeeded in getting over the reefs which bind the whole coast. They steered a northern course along shore for the purpose of getting into Ascension Bay. The fresh breezes which prevail on that coast, and which create a surf on the

ledges so heavy that it is impossible to pass them, frequently caused a detention of two or three days. The provisions had been exhausted. The party lived on conches and other shell-fish which they gathered on the rocks. During the whole of this time the poor boy had grown worse. He was emaciated to a skeleton. There was nothing with which to minister to his necessities but some rice, which, as we have said, had been saturated with salt water.

When within about fifty miles of Ascension Bay, there came up a violent storm of wind and rain. They were compelled to take the boy from the boat and rig a cot for him in the woods, shelter him with branches of the wild palmetto, and keep fires around, for the tracks of the wild beasts were every where thick. The boy lay all that awful night at the point of death; not the slightest expectation remained that he could live till morning.

The next morning, however, the weather cleared off beautifully, and the boy grew better. Fortunately, about eight o'clock, two canoes came from Ascension Bay, which Captain Pilsbury chartered to take him and his companions to that place. They arrived in safety. In this bay was a small fishing town, the residence, also, of a few of those persons who transport goods in canoes from Honduras for the market of the interior. No medicines of any kind were to be purchased, but a little cream of tartar was furnished by a kind-hearted Englishwoman who was there, and this, probably, was the means of saving the boy's life. They stayed there eight or ten days, and then went to Balize, Honduras, where the inhabitants treated them with great kindness. The captain placed his son in the hospital, where he received the best medical treatment. His recovery was rapid. After staying there nearly a month, a passage was kindly offered them to Havana, and finally thence to Mobile and New Orleans. The boy, though not so strong as when he left the North, had recovered his health. After some negotiation, the house of J. W. Zacharie & Co., merchants, of New Orleans, took him, as Mr. Pilsbury desired that they should when he took him from the North. He was then only about thirteen years of age. He has remained in that house, of which he is now a partner, from that time to the present. His name is Edward Pilsbury.

At New Orleans Mr. Pilsbury bought a schooner, sailed to



Campeachy with corn, a famine prevailing there at that time, and then went to Laguna in Yucatan, and thence to New York with logwood.

From that port he took freight for New Orleans, and in eight or ten days anchored on the Bahama Banks, near George's Island. It was on Sunday. The weather was perfectly calm, and so remained until about six in the evening, when a light breeze sprung up from the eastward. The schooner got under way. Before eight o'clock the breeze had increased to a gale, and, before twelve, to a hurricane. A great number of vessels were lost in it. For three days the schooner lay to under short canvas, until her position had become so uncertain that it was impossible to tell on which side of the Bahama Channel she was lying. Suddenly she found herself in white water. From the best observation the captain could make, he concluded that he must be on the western side of the channel. It was now about eleven o'clock at night. The captain crowded on the canvas, steering northward and eastward—the wind being southeast—when, owing to the heavy sea, the fastening which secured the bowsprit started. The bowsprit was immediately severed as well as it could be done, a heavy sea in the mean time striking the stern-boat and staving it. With great difficulty she was got on deck.

At daylight, after carrying a press of canvas through the night, it was discovered that, instead of being on the western side of the channel, as had been supposed, the vessel had been on the eastern side, and that she was then crossing the north-western side of the Great Bahama Bank.

The hurricane still continued with tremendous and unabated force. All hopes of reaching their port were abandoned. The captain concluded to bear up for Charleston in order to repair. He proceeded down the coast close along the edge of the Little Bahama Bank. At four in the afternoon the schooner was opposite Sail Rock, at which time it was discovered that there was a serious leak, by which three or four feet of water had been made in the hold, of which those on board had, until then, been ignorant.

The gale continued. The schooner was under close-reefed topsails, and was manifestly sinking. From Sail Rock, for a distance of upward of forty miles, the sea was a perfect ledge



of breakers. Hands were put at the pumps, and hands to repair the small yawl-boat, fourteen feet long, which was the only refuge left in case the vessel could not be kept afloat. The plan of the captain was to run down this ledge of forty miles long, and then head to windward, in order to anchor in shoal water on the northern side of the Little Bahama. The distance was run, and, at eight in the evening, an effort was made to haul upon a wind for the purpose of getting upon the bank, as we have stated; but the schooner was completely water-logged, and would no longer obey her helm. The captain, without a moment's hesitation, ordered the masts to be cut away in order to lighten her, and, if possible, keep her afloat until morning. The night was dark and terrific. The masts fell over, and the schooner wore to leeward of them; they broke the force of the sea, and kept the vessel in calm water.

At this time all hands were nearly exhausted. The small boat was prepared on the deck, and every thing requisite for a desperate effort to save their lives was put into her; among other articles, all the *oil* which was on board; for, as we have shown in a previous page, the captain had before experienced its wonderful efficacy in preventing a sea from breaking and boarding the vessel.

All the preparations having been concluded, the captain went below for the purpose of *dressing himself* for the last time. The water lay in the cabin about three feet deep. Being exhausted with fatigue, he called the mate to assist him in dressing.

The mate was a young Englishman about twenty years of age, possessing some ability, and an exceedingly kind and affectionate disposition. He looked up in the captain's face anxiously, and asked, "Do you think there is any hope, sir?" The captain answered, "There is not; no boat can live in such a sea as this. When the schooner sinks, we must, if we remain, sink with her; and if we take to the boat, she must founder in this sea. We have done all that can be done; our labors are over. For myself, I can meet death with perfect composure; for you, I feel deep sorrow: you are young, but as you have done your duty up to this point with credit to yourself, so end your life that no reproach may rest upon you."

A sudden gleam lighted up the young man's countenance.

The bitterness of death was past. He became instantly cheerful, and, with great alacrity, assisted the captain to dress.

We sought an explanation of a course of conduct marked by a fancy which seemed to us so extraordinary, and we held with Mr. Pilsbury a conversation, of which we preserved the following minutes:

"How much stranger than fiction," we said, "truth is! What could have put such an idea into your head? Did you emulate the death-scene of Cleopatra?"

"Oh, no," was the reply, "I never thought of her."

"Did you know how tradition says she died?"

"I did; but it never occurred to me to take pattern by her."

"Account, then," we said, "for your fancy."

"It was," replied Mr. Pilsbury, "an instinct of human nature; God Almighty has implanted it. I had seen many sorrows, and believed that I might as well go down into the Valley of the Shadow of Death then as at any time. But I fervently believe it to be a great principle, governing all organized matter, that, in passing through any grand solemnity—of life or of death—of marriage or of victory, or any thing of a momentous character—the first and most natural desire of the heart is that the *person* should be comely and cleanly. The meanest creature that lives—the very wretch that is going to be hanged, feels this decent longing, and desires to put on the best clothing he has got. Expecting to die, I rigged myself as clean as a pink."

"It seems to me," we answered, "that the general instinct of which you speak will not cover, in its application, a case of such peculiar exigency. The victim who goes bound to an ignominious death, passes, nevertheless, through a sort of triumphal archway, since it is always a motive to challenge the admiration of the gaping thousands who may witness his *exit*, by showing with how much fortitude he can die. The utmost hope of posthumous glory which you could have had was, that some ravenous shark might make a respectable meal on your mortal remains, unless, indeed, some shipwrecked mariner, more fortunate than yourself, should chance to stumble over your dead body imbedded in the sand, and give you the rites of a Christian funeral. We must try again. There must have been something *beyond* the instinct—perhaps a ruling passion lurking beneath it?"

"Well," said Mr. Pilsbury, "I suppose there was."

"Pride, for example?" we suggested.

"Pride, I suppose," was the reply; "but an *instinctive* pride, planted by the Creator in the human character. I thought that if I were carefully dressed, and any one should happen to pick me up, I might obtain respect and a decent burial. If I were going to be married, I should be dressed; why not if going to be buried? As the consumptive *belle* said to her waiting-maid, as nearly as I can recollect the words,

'Bring me the paint, Betty—bring me the red;

One *would* not look ugly, although one *is* dead.'"

The case being thus, as we thought, made clear, we pressed the conversation no further. We therefore resume the narrative.

The operations of the toilet having, under the grave circumstances which we have recorded, been completed, the captain and mate returned to the deck, where they lay down two or three hours for repose, the vessel gradually sinking.

At about half past two in the morning she was nearly level with the water, and the prospect was that she would immediately sink. The moon now and then peeped forth through the dense black clouds that lowered above, serving only to make the surrounding darkness more terrible. The boat was then launched.

The captain had about his person certain sums in gold. He did not consider the money at that time worth two cents on the dollar; but, before leaving the schooner for the boat—a desperate resort, as he then supposed—he called the men aft on the quarter-deck, and said, "Your wages have been paid. I owe you nothing; but, as a small sum may be of service to you in case any one of you should happen to survive, I present each of you with ten dollars. Should you be saved, I hope you will not forget to drink my health." Upon every human calculation, not a soul of the whole company could have hoped to be alive in twenty-four hours from that time. But the men, who had listened to the captain's address with the profoundest attention and respect, received each one his allowance. They lifted their hats, hitched up their pantaloons, made the obeisance characteristic of the sailor to his officer with as much precision as if they had been in the streets of Boston, expressed their thanks and gratitude for the kindness, and pledged themselves that the

health of the captain, in the event of preservation, should not be neglected.

The captain was willing, it seems, to make an experiment on human nature *in extremis*.

Several of the boat's oars having been lost, there were but three remaining. In launching her, a long cord was attached to the schooner, so that the boat might lie under her lee until she sunk, as it was calculated she would do about daylight. In a moment after the launch had been effected, the suction of the water to leeward drew the boat close alongside the schooner, threatening instant destruction to all hands. The rope was immediately cut, and the boat was pushed clear of the schooner, with the loss of one out of the three oars. She scudded before the wind with the two oars in the row-locks, there being no sail set at the time, and none being needed.

The gunwale of the boat was only some six inches above the level of the water, yet, to the astonishment of every one, she rode safely over the waves, frequently, however, shipping great quantities of water, and requiring the constant labor of two men to bale her. One man was also placed on each quarter, holding in his hand a bottle of oil having a cork and quill fitted in, to let it drip gradually out, leaving the diffused oil in the wake, which prevented the breaking of the waves over the boat. The effect, Mr. Pilsbury says, was magical; it was as if the Almighty had said to the waves, "Be still!" and they were still at his command.

This state of things continued until about ten o'clock. The weather in the mean time had considerably moderated, and the prospect of preservation to all on board seemed to have become certain. But the gale again broke out with redoubled fury. The scene was sublimely awful. The waves ran almost high as mountains; the sky was black with clouds; the boat lay a mere speck on the abyss, which seemed every moment about to engulf it. Four or five times she seemed on the point of destruction from breaching to, and she was repeatedly half full of water. It became requisite to take some new measure for her preservation.

There were, as we have stated, but two oars left. The boat could send no longer, and it was therefore necessary to lay her to. She could only be steered by an oar. The captain direct-



ed the other oar to be lashed to the steerage oar, and a triangle to be rigged to them; and then, a favorable opportunity having been watched, they were thrown overboard with sixty fathoms of rope (fifteen thread ratline). The device worked admirably. The rapidity of the boat by the wind was greater than that of the oars lying upon the water, which brought her head to sea. Although she was nearly filled with spray all the time, and two men were kept baling, still she rode over the sea, being still aided by the oil which was continually poured from her bows.

In that position she lay for four hours, when the gale, which had gradually subsided, abated. So great was the pressure upon the rope to keep the boat head to wind, that, on hauling it in, two of the strands of the ratline were discovered to be broken, and the whole burden was sustained by the five remaining yarns. If *they* had broken, immediate and inevitable destruction must have followed.

Numbers of vessels were descried. The boat had been provided with sheets for the purpose of making sail. Her thwarts were split up and lashed together, and thus two sails were made, which propelled the boat at the rate of five or six knots an hour. She chased numerous vessels without success; when, on the third day since taking to the boat, a vessel was discovered to the southward, the wind being at the time westerly, varying two or three points. The boat endeavored to keep exactly ahead of her. At ten in the morning the ship was seen to strike her royals and top-gallant sails, thus giving token that she had discovered the boat. In ten or fifteen minutes she was alongside, and all had got safe on board the ship. She proved to be the barque "Jones," of Boston, commanded by the late Captain John C. Hardy, of Newburyport—a noble specimen of a sailor—whose wife had lived a neighbor of Captain Pilsbury's for years in the latter place. Her maiden name was Brown.

So sudden had been the occurrence, that the watch which had been called immediately on the notice of the boat's proximity had not got on deck when the strangers boarded; and so much was the commander of the barque astonished at the whole affair, that he never asked Captain Pilsbury or his associates if they were hungry or thirsty. For three days they had lived on the smallest modicum of provisions. The half-pint allowance of water that morning, out of the three gallons



that remained to the boat's crew, had not been consumed, in consequence of the anxiety created by the appearance of the sail, nor had any sustenance been taken. Captain Pilsbury conversed with Captain Jones until dinner was ready, taking nothing in the mean time but a single glass of water, for which he asked.

The barque arrived safely in Boston. Having no suitable garments of any description, not even shoes or stockings, Mr. Pilsbury was compelled to remain on board until night. He then went to Cornhill, procured proper apparel, and having put up at a hotel where the Eastern people generally congregated, he found numerous friends, many of whom are now dead.

At this point of his troubled and eventful career, his wanderings, at least beyond the confines of his own or of an affiliated country, may be said to have ceased. He bears willing testimony to the characters of the good and the true whom he has met in all nations, and is happy that he is enabled to pay this just tribute to human nature every where. He has been associated with the inhabitants of many nations; he has found good and kind people in all of them, and has never, in any part of the world, been without a friend.

It was now the month of November. From Boston he went to Eastport. A vacancy having occurred in the House of Representatives of the State of Maine, in the representation from the town of Eastport, Mr. Pilsbury became a candidate. He lost the election by one vote, there having been two bad votes given for the other party, and one good vote refused on his side. Three years after this, his son, Albert Pilsbury, a lawyer of Eastport, recovered damages to the amount of about one hundred and fifty dollars for the wrong done the man whose vote in his father's favor, and which had been refused, would have elected him.

Immediately afterward he was chosen by the Legislature a member of the Executive Council of Maine. During the year for which he held this office, a nomination was made for a member of Congress from the district composed of the counties of Hancock and Washington, at which time the Democratic party had a majority in the district of some fifteen hundred. A difficulty occurred in the nomination, the result of which was that a split took place in the party. The dissentients nomina-

ted Anson G. Chandler, Mr. Pilsbury receiving the regular nomination. He ran three times successively with a plurality of more than one thousand votes, the law requiring a majority of the whole; and finally the Whig candidate, Joseph C. Noyes, succeeded in his election. Previous to this final decision, Mr. Pilsbury had left the State of Maine for Ohio, with the design of settling in business there. Declining, on further consideration, to do so, he went to New Orleans, at which city he arrived with only twenty dollars. Taking sick there, he was removed to the house of Mr. Zacharie, by whom he was treated with great kindness. When restored to health, the firm of Messrs. Zacharie solicited him to go to Texas. He consented to do so. They furnished him with business which enabled him to take a look at the country, and subsequently supplied him with a large amount of goods on which to commence business.

About this time the Texas paper money was issued. For this money Mr. Pilsbury sold his goods, and a year afterward he sold the money at New Orleans for less than half its par value, thus, at a single blow, annihilating one half of the capital upon which he had started in business. He lived in Texas the life of a hermit. Business was totally prostrate. A dollar was the rarest thing to be seen. The period was about that of General Lamar's administration, to which, owing to the stagnation of business, and the general poverty of the country, all eyes seemed to be turned with high hopes of better things. Both houses of Congress voted immense supplies for every branch of the public service, to supply which paper money was issued, almost, it might be said, without counting it. For example, a million of dollars was voted at one time for frontier defense. The members of both houses seemed to be eager—honestly so—to place the government in a new and commanding attitude before the world. An army of fifteen hundred men was organized for the frontier defense. A natural consequence of these magnificent measures was the rapid deterioration of the paper issues of the government. The state of things continued to grow worse until 1840 and 1841, when Texan money sold in the market six to eight paper dollars for one in specie.

At this period Mr. Pilsbury was selected as a candidate for

the Legislature of Texas from his county. He was elected. At the meeting of the Legislature, the President, Lamar, by reason of ill health, retired from the office, leaving the Vice-president, David G. Burnett, acting president. The paper system had run its length; the next step was, that it would be worth nothing at all. The great body of the people of the county which Mr. Pilsbury represented—Brazoria—believed with him that retrenchment of expenditure was the only means of relieving the condition of the country.

Entering the Texan Congress as an advocate of retrenchment, Mr. Pilsbury was appointed chairman of a select committee which was raised on that subject. Measures of retrenchment were agreed upon, and were supported by a very large majority of both houses. The army was disbanded, and other offices deemed unnecessary by Congress were abolished. Other measures were also deemed absolutely necessary to place the finances of the republic in a healthy condition. It was the urgent desire of Mr. Pilsbury that the revenue should be increased by duties from imports, as the basis of a safe financial system, for which purpose he had prepared a bill. This bill the majority of the Committee on Finance, of which Mr. Pilsbury was also a member, finally agreed to report, in connection with another portion of a finance system, proposed and advocated by Messrs. Maynard and Mayfield, and which looked mainly to loans. The conjoint system of loans and imports, however, failed, and the paper-money system was continued for another year, at a sacrifice to the government of nearly a million of dollars.

At the next session, however, Mr. Pilsbury having in the mean time been chosen to the Senate, the same tariff bill which had been rejected at the previous session was passed. It levied duties to the amount of some twenty-five per cent. The reception by the government of its own paper for any other purpose except the payment of land dues was suspended, and a law was passed authorizing the issue of one hundred and fifty thousand dollars of Exchequer bills to supply its immediate necessities until the operation of the tariff would yield a revenue sufficient to pay its expenses. Owing to particular causes, the Exchequer bills greatly depreciated, but the tariff system worked admirably, and under its operation the gold and silver

soon began to pour in, and in the space of a year and a half the Exchequer bills had again reached par value. The retrenchment made at this session of Congress greatly reduced the actual expenses of the government.

Mr. Pilsbury resigned his seat in the Senate, and was chosen chief justice of the County Court and judge of probate for the county of Brazoria, an office which he held between two and three years. He was then re-elected to the Senate, and resigned the judgeship. He served as senator one session, and, in the year following, proposals for annexation were made.

In July, 1845, an extra session was held for the purpose of considering the propositions made by the United States for annexation. It is known that the Legislature assented to these propositions. In the mean time, a convention had been called by the President, which consummated annexation. Of that measure Mr. Pilsbury was an early and strenuous friend, and he was deputed by the citizens of the county in which he resided to travel over the eastern and northern part of the state to ascertain the condition of public opinion concerning it. It was found wholly favorable to annexation. The result is known to all the world. The Republic of Texas entered the Union of the States.

Having brought the reader to a sort of resting-place, we shall be excused if we change the current of his thoughts a little by presenting him with the following ode, which was first recited to us at a gathering of Texan friends by one of the number, T. K. Potter, their author :

#### HYMN OF THE ALAMO.

Air, "*Marsillaise*."

"Rise! man the wall! our clarion's blast  
 Now sounds its final reveillé;  
 This dawning morn must be the last  
 Our fated band shall ever see!  
 To life, but not to hope, farewell!  
 Yon trumpet's clang, and cannon's peal,  
 And storming shout, and clash of steel,  
 Is ours, but not our country's knell.  
 Welcome the Spartan's death,  
 'Tis no despairing strife:  
 We fall! we die! but our expiring breath  
 Is Freedom's breath of life.

"Here, on this new Thermopylæ,  
 Our monument shall tower on high,



And 'Alamo' hereafter be  
 In bloodier fields the battle cry."  
 Thus *Travis* from the rampart cried;  
 And when his warriors saw the foe,  
 Like whelming billows move below,  
 At once each dauntless heart replied,  
 "Welcome the Spartan's death,  
 'Tis no despairing strife :  
 We fall! we die! but our expiring breath  
 Is Freedom's breath of life."  
 They come—like Autumn's leaves they fall,  
 Yet hordes on hordes they onward rush;  
 With gory tramp they mount the wall,  
 Till numbers the defenders crush—  
 Till falls their flag when none remain.  
 Well may the ruffians quake to tell  
 How *Travis* and his hundred fell,  
 Amid a thousand foemen slain.  
 They died the Spartan's death,  
 But not in hopeless strife :  
 Like brothers died, and their expiring breath  
 Was Freedom's breath of life.

Shortly after annexation Mr. Pilsbury was elected to the national House of Representatives by a small vote, and he was subsequently re-elected a member of the thirtieth Congress by a largely-increased majority. As a member of that body our own knowledge of him first commenced.

The interests of Texas at this time demanded that she should be represented by men having both the nerve and the ability to sustain them. Entertaining, like many other members of both houses, a repugnance to participation in debate, which yields only to pressing considerations of public duty, we find Mr. Pilsbury seldom addressing the House except when such considerations call him out. His views in this respect were truly indicated in the first speech he made.

"I came here," he said, "not intending to obtrude myself on the attention of this House, but to take a humble part in the business of this great nation. I came here taking as my counsel and guide those eternal principles of truth and justice which have always been adhered to by Texas in her relations with Mexico and with other countries, and which she now wishes to see carried out by the United States in all those questions to which her annexation to this republic shall give rise. I know that these principles will stand like the rock upon the sea-shore,



which looks down in silent majesty while wave after wave beats against it and dissolves, not shaking its immutable foundations."

Of a peculiar character of mind—gifted, as all who know him will admit, with attributes indicative of strong original genius—he requires the impulse of a powerful motive to enable him to overcome the self-distrust which he feels in positions especially calculated to draw the public gaze upon him; but when the effort is once fairly made, no trace of that distrust is longer perceptible. His voice is full and commanding, and his manner possesses that peculiar earnestness which is so apt to carry the listener on with the speaker, even while, perhaps, dissenting alike from his arguments and his inferences.

In the same speech from which we have made a brief extract above, he says, speaking in reply to attacks made upon Texas:

"I was surprised to think that the bleeding wounds of Texas should have again been opened at such a time. I came here ignorant of the rules of order in this House; distrustful of my own powers, I had no idea of speaking before the assembled wisdom of the nation. I came with two ears and with one tongue, which admonished me to be rather a listener than a speaker; but called upon at this time, and conscious that I am consuming the precious time of the House when questions of momentous import are awaiting their deliberation and their action. I will endeavor briefly to present the relations in which I stand—in which my constituents and the whole people of Texas stand—to the government, regarding as lightly as possible the remarks of the gentleman from New York [Mr. Culver], for I hardly know the object of them. Did the gentleman mean to attack Texas, or her boundary? Or was it his object by the Texan question to reach the President? Did he mean to assail the President on the question of Texas as being a weak point? I feel, sir, that it is a strong point; that one of the brightest pages of his history, and one that will go far to enroll his name high on the scroll of Fame, is the course which the President of the United States has taken on this question. This, sir, would be my sentiment were I a citizen of the older part of the United States; for I look at the annexation of Texas more in regard to the land of my fathers—to the land where my children reside, than with reference to Texas only. I consider it rather on account of its bearing upon the great principles of liberty, to the advancement of which, Texas, through the long years of her bloody struggles and her successful resistance of Mexican tyranny, has contributed, and now, in connection with this boasted republic of freedom, will continue with increased efficiency to contribute all the aid of which she is capable. The chivalry of Texas have plucked the 'lone star' from the surrounding night of darkness and tyranny amid the thunders of Jove, and they have now, in peaceful coalition with the United States, emblazoned it on the glorious flag of the Union, and it has taken its place in the constellation of freedom. She counted not her money; she was actuated by no ignoble considerations in the course she has taken; she has but evinced the spirit of the Anglo-Saxon which animates her. She has achieved her independence by her own valor; she had conquered a territory capable of sustaining ten millions of population; she was courted by Europe; she would have been taken by the hand by that nation which is allowed to be the

'bulwark of our religion;' she could have joined hand in hand with France; she had friends in all quarters, because she required nothing, and was able to yield something to others; she was refused annexation when feeble, she accepted it generously when she was able to contend with all her foes.

"The circumstances under which annexation took place should seal every mouth in this hall in regard to the honor of Texas and all her negotiations. Her boundary was achieved by her own prowess; whatever black letters or titles had existed were washed out in the most precious blood of Texans—your friends and your countrymen—those whom the links which bind human society together unite by the tenderest ties to your citizens, from Maine to the Sabine. Her title originated in the events in which that nation took its rise. Thrown out by geographical location on the borders of the ancient republic of Mexico, she became a barrier to protect that nation from the Indians, who are more than equal to the Mexicans in war. To this territory, without value to the Mexicans, immigration was invited. It required the genius of the Anglo-Saxon race to cultivate such a soil, to reclaim it from its native wildness, and transform it into what it now is.

"And when the Republic of Mexico changed its character, and was converted into a military despotism, true to the instincts of liberty which had always animated her, she refused to yield to the tyranny of military sway, and they declared, and have, for ten years of war and bloodshed, maintained her independence. Any set of men, as has been justly asserted on this floor, have a natural right to take a territory, the occupation and cultivation of which others have kept in abeyance, and in a state in which it is of no use to any human being. The citizens of the United States would have had the right to have occupied that soil on the ground of contiguity. I assert the broad principle that a country kept vacant by the policy of a nation which claims the right of ownership over it, is common property, and reverts to the situation in which all land was before it became property, and is open to be occupied, subdued, and cultivated by man—by those who will do so—as the Creator designed it should be. But, thank God! the Texans have a better title than that of mere quiet occupancy. They have settled that country; they have fought back the Indians; they have become a bulwark to aggression; they fulfilled all the duties of their relation to Mexico, until the federal government—the government of liberty—was changed into a military despotism. Texas was driven to the alternative of being shackled, deprived of her arms, forced to a base submission, or to rise and defend herself; and, although feeble, she took the alternative of war and defiance. She fought the armies of eight million of people; she conquered them, and drove them westward of the Rio Grande. She took every fortified town; she left no single defense of the Mexican usurpers on the eastern bank of the Rio Grande. She established fortifications and defenses from the western bank of the Nueces to the eastern bank of the Rio Grande, and no Mexican has ever since had a footing on that ground except in one or two small villages on the immediate bank of the Rio Grande. The sons of Texas have conquered the whole territory that stretches to the Rio Grande. The republic claims the territory by proclamation, but she earned it by blood before the proclamation was issued. When annexation took place, no Mexican soldier was on the eastern bank of the Rio Grande—none could be retained there. Whatever doubts may have existed in regard to a clear title (for I believe there are very few national disputes in which all the points on either side are perfectly clear to every man), the history of Texas shows that she has redeemed the country from the savage; that she has acquired a personal lien on it as property by her defense of it in war. She had the revolution thrust upon her, and she never ceased to defend her rights and to fight until the only power that had a claim was obliged to relinquish it; and whether she had been annexed or

continued a free republic, she had the power and the resolution to defend that territory, and establish in it the same laws and institutions as existed in the land from which most of her people sprung."

In a recent speech on the boundary of Texas and the Slavery Question, he says:

"On Monday last, the chairman of the Committee of Ways and Means [Mr. Vinton] asserted that Texas had no claim of title but *the declaration* by her act of Congress; that it was a mere paper title, deserving of no consideration; that the territory belonged to the United States; that the President was guilty of gross abandonment of his duty to his constituents (the people of the United States) by admitting even that Texas *had a claim*.

"If any thing on earth could go to evidence the bias of party feeling on a question like this, it is plainly exhibited in the course of this gentleman. He is one of the oldest members of this body. His long services entitle him to the respect and attention of the House. Still, his evident antipathy to the President warps a naturally sound judgment, and makes him lose the character of the statesman in that of the partisan—makes him sink all the circumstances relating to the claim of Texas to a boundary in the assertion *that she has nothing but a naked declaration upon which to found her claim to Santa Fé*.

"But I turn from so partial and partisan a view to the closing of the speech of the member from Kentucky [Mr. Duncan]. He, too, agrees with the honorable member from Ohio in accusing the President of a tissue of blunders in regard to his rights and duties, but fully admits the claims of Texas to her declared boundary from the mouth to the source of the Rio Grande. That his opinion is sincere needs no proof, because, while he gives a verdict in our favor, he laments the *sad consequences*. I honor him for his independence, and am under obligations to him as a representative from Texas that he looks to the '*law and the testimony*' without using *party spectacles*."

Speaking of Texas, he said:

"History will do her justice. When the pigmy passions and interests of the day have 'strutted their brief hour upon the stage,' the principles which acceded to annexation to the United States will do their holy office. When we are all called to 'sleep with the fathers,' the history of Texas will begin to be written, and no history heretofore penned of mortal man will be more sure to instruct and guide in the path of liberty and self-government. Compare the history of the revolution in Texas with that of any other revolution, and Texas stands unrivaled.

"While the colonies of Great Britain (now the United States) sought the quarrel with the parent country upon principles not before acknowledged, Texas only warred when *submission or extermination was the alternative*.

"When crowned with victory, and the tyrant, Santa Anna, was at her feet, no act of cruelty stained her annals. Texas exhibited the courage, patience, and fortitude of the barbarian, and all the virtues and amenities which adorn civil life. But, sir, I am unworthy to attempt a eulogy of the character of those I represent. Sculpture, poetry, and song will commemorate the brave and generous who have accomplished the liberties of Texas.

"As it will be the Italy of America, the Graces will flee to it from tyranny there, and the Arts will take up their abode in this favored land. Fifty years will verify my prediction, however seemingly extravagant. Less than fifty years ago I stood on the banks of the St. Croix. The Valley of the Mississippi was then a desert. - I now am farther west than I then was east of this metropolis.

"We began at that period to throw off three and a half millions of population. We now throw off over twenty millions.

"One of tender years, who stands now upon the borders of the Pacific, may look to live until the *whole intermediate space* swarms with population—may see law, order, religion, and all the social virtues reign where now roams the savage uncontrolled.

"Thus, sir, I think I have made out an equitable claim for Texas; she will never be found wanting in energy and courage to support it. I may well leave to my chivalric countrymen to enforce the principles I have feebly laid down in this exposition of her claim.

"Another question, not at all inferior to our boundary, is the question of slavery. On this subject myself and colleague [Mr. Kaufman] voted to extend the ordinance of 1787 over the Oregon Territory. This was charged upon us in Texas as abolitionism in disguise. We voted in good faith, believing the North would confirm our position, and forever settle this vexed question.

"No such honorable course has marked the conduct of the anti-slavery or Wilmot-proviso party. Seizing hold of the excitement of anti-slavery, they have placed Mr. Van Buren at its head. Disappointed in a re-election, of which he was deemed unworthy, he seems to be satisfied with bringing distraction upon the Democratic party. Futile plan! feeble maneuver! ridiculous enterprise! Mr. Van Buren was always doubted by the South. He was once elected by the strength of party discipline, and the influence of the name of that great disciple of Democracy, Andrew Jackson. Mr. Van Buren may be tickled with the applause of Whigs, Federalists, and Abolitionists, only ultimately to be scorned and contemned, while the great party of Democracy will proceed onward from triumph to triumph, until it has perfected its work of regenerating mankind."

Mr. Pilsbury has given a cordial support to the administration of Mr. Polk in all its cardinal measures. He considered himself aggrieved by a representation which had been made that he had voted against the veto of the River and Harbor Bill. In this respect he was wrongfully charged. He voted, as the record will show, against the bill; and when the question again came up on its passage, the objections of the President to the contrary notwithstanding, he voted to sustain the veto. [See title, INTERNAL IMPROVEMENTS.]

Among other measures affecting more especially the people of Texas, in behalf of which he has exerted himself, we notice the bill passed at the last session of the twenty-ninth Congress to establish additional mail-routes in Texas. This bill was introduced by him on leave, was referred to the Committee on the Post-office and Post-roads, and by them reported back to the House. The House gave its early consideration to it, and Mr. Pilsbury was among its first and strongest advocates.

Complying with biographical usage, we state that, after having been for many years a widower, he was recently married to Miss Rebecca Carpenter, daughter of Colonel Joshua Carpenter, of Maine.







*R. M. McLinn*

## M'CLELLAND, ROBERT,

**I**S a Pennsylvanian by birth, having been born in Greencastle, Franklin county, on the 1st of August, 1807. From an early age he has been compelled to buffet his own way through the world, having no other patrimony (to use an expression of his own) than "the good wishes of his parents." Our readers, like ourselves, may have had occasion to observe, that among the strongest incentives to human exertion are these sacred "good wishes" of those who have given us birth, and that they often constitute a guiding star whose influence is not lost till life itself is over. When only seventeen he resorted to the avocation of "teacher," in order to obtain an academic education, and in fifteen months had saved means enough to carry him, with rigid economy, through college. He graduated at Dickinson College, Carlisle, Pennsylvania. The "faculty" there having some difficulty in deciding whether Mr. Nelson, of Virginia, or himself was entitled to the first honor, the custom of the institution was violated in that respect, and no honors were awarded. Mr. M'Clelland immediately resumed the profession of "schoolmaster," and in ten months he had accumulated means enough to enable him to study law, and gain admission, in 1832, to the bar in Chambersburg. Soon afterward he removed to Pittsburg, established himself there, and was very successful. But that common malady, the "Western fever," seized him, and he emigrated to Monroe, Michigan, in February, 1833, where he has since remained, practicing law with eminent success. In 1835 he was elected from Monroe county a member of the Convention that formed the State Constitution. He was an active member of that body, and on many of its most important committees. Between that time and the admission of the state into the Union, he was among the most zealous supporters of the rights of his state against the supposed territorial encroachments of Ohio.

He was married in 1837 to Sarah Elizabeth Sabin, daughter of Jesse Sabin, of Williamstown, Berkshire county, Mass.

In the fall of that year he was elected to the House of Representatives of the state, and became a leading member. He declined being again a candidate until the fall of 1839, when he was again elected. He was the Democratic candidate (*pro formâ*, the Whigs being in a powerful majority) for the speakership. In the fall of 1840 he was again unanimously renominated, but declined. In 1842 he was again elected, and was subsequently chosen speaker, an office whose responsible duties he so discharged as to elicit the approbation of all parties. In the summer of 1843 he was unanimously nominated to the House of Representatives of the United States, and was elected by a heavy majority. He has since retained his seat by majorities also very large. In *all* his elections he has greatly outrun his ticket, and at the last he was elected contrary to the "two term" usage of his state. During the twenty-eighth and twenty-ninth Congresses, he was Chairman of the Committee on Commerce. Among the many important measures of which, in whole or in part, he has had the control previous to the last session, may be mentioned the River and Harbor Bills [see title, INTERNAL IMPROVEMENTS]; the Light-house Bill; the Bill to establish a Warehousing System; the Bill to Curtail the Compensation of Collectors; the Drawback Bill (in conjunction with J. Phillips Phoenix, one of the former representatives from the city of New York); and, subsequently, the Bill extending its provisions to Goods and Merchandise exported from Canada, through the United States, to Europe, &c. He has acted with the Democratic party in all the great measures of its policy, with the exceptions which we shall notice.

We place to his credit the votes he has given to sustain the Military Academy at West Point: a subject to which we have referred in various pages of our history, because we believe that recent events have demonstrated that its importance can not be too highly estimated. He has always contended for the usefulness of the institution, laying stress upon the fact that it has been recommended by every President of the United States, from General Washington down to this time. He has deprecated a course of ultraism in relation to it by which, he was of opinion, nothing could be gained for the country, and has

contended that the education of officers to command our army was as necessary as the education of persons designed for other professions.

He sustained, as his votes will show, all appropriations for the Mexican war. [See title, R. C. WINTHROP, vol. i., p. 399.] He has voted in favor of the Wilmot Proviso. He did not concur in the opinion which had been expressed by a Northern member, that the question of political power was alone involved, and that it was a matter of no consequence how many slaves might be carried into newly-acquired territory, provided the political power was not thereby increased. He believed the general happiness, prosperity, and advancement of the whole Union, morally and politically, forbade its expansion. It might be detrimental to the best interests of the nation if the government was controlled either by the East or the South, and perhaps it was wisely decreed that the West should hold in its hands the balance of power. It was not for the general interest that either should command the Senate, because the power of patronage was too well known not to be feared. It was most wise to let the different sections of the Union remain as they were, neither having a preponderance, and each, to some extent at least, checking the other. The South should be satisfied with the admission of Texas into the Union, with power to form four more states in her territory. This, in time, would be done. And where was the counterpoise in the North or West? One state might be formed in Oregon, one west of Iowa and Missouri, and one north of Ouisconsin and Iowa, and all the free territory that was inhabitable would be exhausted. Upper California should be free. Besides other considerations, it was far better adapted to the pursuits of Northern men than to slave labor. Why, then, exclude free labor? Admit the slave, and the free laborer would be expelled; for it were folly to think that our Northern men would emigrate into the most inviting territory in the world where they knew they would be compelled to labor side by side with the slave.

In respect to the effort to substitute for the Wilmot Proviso the Missouri Compromise line, which would, in effect, be to exclude the free states from all participation in any territory that might be required south of 36° 30' north latitude, he was of opinion that that compromise applied solely to the Louisiana



territory, and, by *acquiescence* on the part of Northern men, to Florida, but that it never was contemplated that it should be extended further. No member who gave his vote for it presumed that it was to affect future acquisitions of territory. By the North, that compromise had been tenaciously adhered to. The arrangement, though disadvantageous to the North, had been scrupulously observed. Still the South was not satisfied with the advantage it had gained. Let Northern men agree to the establishment of the Missouri Compromise line, and who could foresee the number of slave states that would hereafter be added to the Union? As the slave population increased, expansion of the territorial bounds would be demanded and obtained. If we proceeded to annex at the rate at which we had annexed for the last three years, by the admission of states, by treaty, and by conquest, the day was not very far distant when all Mexico would be absorbed in the Union; and where then would be the power and control of the government? These were not the mere creatures of the imagination. Many sensible Southern men believed this to be the destiny of the nation, and the sooner the American people understood it the better. If Southern men considered the Missouri Compromise line binding as to all territory subsequently acquired, why did they vote, as they had done, against the exclusion of slavery in Oregon, whose southernmost boundary was five and a half degrees north of it. After such a demonstration, the charge of a breach of what was denied to be obligatory on the North came with a bad grace from them.

These were the views of Mr. McClelland, as expressed before the treaty of peace with Mexico. His subsequent course has been in conformity with them. He voted to lay on the table the bill from the Senate to establish territorial governments in Oregon, California, and New Mexico, which embodied the compromise proposition of Mr. Clayton of Delaware; and on the bill to establish the territorial government of Oregon, he voted in favor of extending the ordinance of 1787 over that territory.

We have referred to certain exceptions to the general rule which has governed Mr. McClelland in respect to the measures of Mr. Polk's administration. We shall now speak briefly of these exceptions.

He voted against the recommendation of the President to



create the office of lieutenant-general to take command of the armies in Mexico. [See the history of this question, vol. i., page 254.] He argued that no facts were stated, no developments made, and no valid reasons assigned which should induce him to vote for the creation of such an office. If he understood the object correctly, it was to combine in this officer high civil and military functions, and to confer upon him powers never before conferred on any other person. This should not be done except under the most extraordinary circumstances. When the office of lieutenant-general was created in 1798, and given to General Washington, it was purely military, and had no other character. He was the man of all others whom the American people would have selected in such an emergency, and no officer in the army would have objected to it, because only a few years before he had been the leader of all our armies, and his talents and qualifications had been fully tested. Moreover, he was to command in a defensive war, and all his acts would have been under the eye of the President. The person who might have been selected by the executive, had Congress adopted the measure, might have fulfilled his highest expectations, but Mr. M'Clelland feared the experiment. Cases might arise in the history of our government where it might be necessary to take such a step, but, in his judgment, they should admit of no doubt as to their necessity or expediency. The precedent was dangerous, and should, if possible, be avoided. Innovations of such magnitude and importance should not be permitted, unless the safety of our armies, or the security and permanency of the Union itself, demanded them.

Another exception was the vote he gave against the recommendation for a tax on tea and coffee. [See title, JOHN WENTWORTH.] He believed that such a tax would be onerous and unequal in its operation. The poor man, to whom it had become a necessary of life, would be obliged to pay as much, and in most cases a greater tax, for the support of government, and for carrying on the existing war, than the wealthy citizen. In this the millionaire would be placed on an equality with the day laborer; and yet, according to all just principles of taxation, he should pay a thousand-fold more. The poorer classes of our citizens would thus be made to bear the burdens of the war, and, at the same time, fight our battles, for few others

were found in the ranks. The hardship was not the same with the duty on sugar. It was an article which the rich used in various ways, besides the uses to which tea and coffee were applied, and the disproportion in the quantity used by families was far greater. But, even if it were otherwise, he thought it would be no valid reason for the imposition of the duty proposed, because it would, in that case, merely be adding to the unequal taxation. The better mode would be to select the luxuries and extravagances of life, and lay a tax on them. This would not oppress those who were in moderate circumstances, nor materially affect those who indulged in and enjoyed them.

His repugnance to a *direct* tax, which had been proposed in some quarters, was still greater. It must be levied according to the census and representation; and although the Eastern States were possessed of greater wealth, and had more property than the Western States, yet they would not, under the Constitution, pay a greater amount of taxes. By the tax on tea and coffee, it had been estimated that some two and a half millions of dollars might be raised annually; and although it would be sensibly felt, yet the same difficulty would not be experienced in raising it as in collecting the same amount by direct taxation. He had prepared a table, showing the proportion which each state would have to pay if the sum of ten millions of dollars were levied under the Constitution, and all would at once perceive the utter impossibility of inducing the people to submit to it, unless from the most patriotic motives. The cost of collection was not an item of much consequence, as he had been informed that during the last war it did not exceed five per cent., and in many of the states it did not now amount to four per cent. Whenever he was convinced that it was absolutely necessary to tax tea and coffee in order to obtain a loan to carry out the war and pay the interest on our indebtedness, his objections were not so insuperable as to induce him longer to oppose it.

The last and most important exception that we have to notice relates to his course upon harbor and river improvements. He is the advocate of appropriations of that description, both on lake and river. He regards the provisions of the Constitution on which they are based as being so plain and simple that they can not be misunderstood. He places their support on those

clauses which relate to the common defenses of the country, to our foreign commerce, and to the commerce between the states. He voted for the River and Harbor Bill of the first session of the twenty-ninth Congress, which was subsequently vetoed, and also voted in favor of the bill becoming a law, "the objections of the President to the contrary notwithstanding."

Some other matters bearing upon this bill, and not without interest, will be found in that portion of the following chapter on "Internal Improvements" which is devoted to its history.

He has also sustained by his vote the other bills of similar import which have since passed, but which have not become laws.

The following letter, which we take from the Washington Union of April 19, 1848, announces a purpose which had for some time been known to us. The notices which precede it express, we believe, the general sentiment, personal and political, entertained toward Mr. M'Clelland. Though we have known him as a decided party man, we have always found him free from bitterness, and ready to accord to political opponents the credit for good motives in their course which he claims for himself.

*From the Union.*

"We regret to see by the following letter that Mr. M'Clelland, of Michigan, manifests his intention soon to retire from his seat in Congress. Few men have acquired a higher reputation, and few men possess, in so eminent a degree, those solid qualities which constitute a useful public officer. Go where he may—to the walks of private life, or to some other public station—he carries our best wishes with him."

*From the Detroit Free Press.*

"HON. R. M'CLELLAND.—We have received from the Hon. R. M'Clelland, our distinguished representative in Congress from this district, the following letter to his constituents, expressing a desire not to be nominated for re-election.

"This is not the time to speak fully of Mr. M'Clelland's merits; but we may say on this occasion that the people of this congressional district will do well if, in selecting a successor to him, they find one who will sustain their interests with greater

ability and faithfulness, or with more character to himself and the state, than he has done.

“ ‘WASHINGTON, March 28, 1848.

“ ‘*To the Editor of the Free Press :*

“ ‘Having recently received intimations that some of my friends were disposed to present my name at our next Democratic Congressional Convention for a renomination, I deem it my duty thus early and publicly to express a desire that no such idea be entertained. The kind partiality and indulgence of my constituents have continued me in Congress much longer than I anticipated when I was first elected, and I have no disposition to tax them further. Few men could have labored more assiduously for their benefit ; and, although they will probably elect a more worthy representative in my place, he can not be more devoted to their interests. My chief regret in parting with them at the end of my term will be, that I have not accomplished all I desired in their behalf.

“ ‘With high esteem, I remain your obedient servant,

“ ‘R. M‘CLELLAND.’ ”

## HISTORY OF INTERNAL IMPROVEMENTS.

**T**HIS is probably as fit an occasion as we shall find to present a general history of the policy of our government since its organization in respect to appropriations for objects of internal improvement. Recent occurrences, legislative and political, have given to the subject a higher importance than perhaps has ever before attached to it. The public mind is directed toward it with an earnestness which has had no parallel in any former period, and which indicates in the clearest manner the serious and permanent character of the interest it has created.

In accomplishing our task, we shall use the phrase "internal improvements" in the general descriptive sense in which we are accustomed to hear it applied, and without reference to its technical propriety. We shall not regard, on the one hand, the latitude of interpretation which may be given to it, nor, on the other, the hair-splitting distinctions which, in the minds of some politicians, would justify an appropriation under any *other* name for an object which could not be constitutionally made under *that*. So little terror had the name at one period in the history of our government, that committees *eo nomine* were appointed, whose specific duty it was to consider subject-matters of that description. For example, the journal says:

"*Resolved*, That a committee on the subject of internal improvements be now appointed."

This is but one of many such entries; and the term, in fact, was as familiar as any household word. Times, however, have changed. The name has become odious; not, perhaps, by any offensive quality peculiar to itself, but because it has suited the purposes of politicians to make it so. On a recent occasion, when a bill which we have particularly noticed hereafter had passed the House by a decided majority, under the title of "An Act making Appropriations for the Improvement of Harbors and Rivers," a motion was made by one of its oppo-



nents, Mr. Payne, of Alabama, to amend it by striking out all after the word "appropriations," and inserting "for works of internal improvement within the states." A formal record vote was taken, when there appeared seventy-four in favor of the change, and one hundred and seventeen against it.

A statement made by General Jackson, in his annual message of 1830, hereafter referred to, that the expenditures for *internal improvements* amounted to upward of five millions of dollars, attracted the attention of the committee to whom that portion of the message had been referred, and a call was made for information. In reply, the general transmitted a report from the secretaries of War and the Treasury, from which it appeared that his meaning embraced not only expenditures for roads and canals, but also expenditures "*in building piers, improving and preserving ports, bays, and harbors, and removing obstructions to the navigation of rivers.*"

It would seem that if, in the whole range of powers, express or implied, embraced within the purview of the Constitution, there was one which, by a uniform line of example stretching through a long series of years, had received the deliberate and solemn sanction of all branches of the government, that one is the power to make appropriations for objects of this description. The public records show that the policy, in some form or other, has been coeval with the existence of the government; and the whole nation gives token of the growth and prosperity which have illustrated its exercise. Vetoes upon bills which contained provisions deemed to be objectionable, have, at intervals, as we shall presently show, led to interruptions in the system. These, however, have been but exceptions to a general rule. Legislative provision "for the promotion and protection of the navigating, commercial, and industrial pursuits of the people; for light-house, pilot, consular, currency, and coast-survey systems; for the establishment of break-waters, sea-walls, beacons, and buoys upon our bays and harbors; for the encouragement of American tonnage and the protection of American commerce," has been made by the general government, under the Constitution, from the earliest days of its existence; yet the events of recent years have demonstrated that there is no public principle further from being settled than that upon which this very legislation has been founded—none

upon which parties seem disposed to wage a more vehement or interminable warfare.

Every man conversant with the history of the times must have been struck with the growing indisposition in the public mind to adhere to ancient landmarks; to take as a guide those interpretations of the fundamental law which for half a century have been the safe rules of our conduct, or even to regard them as any thing more than maxims of wisdom good enough in their day, but not adapted to a nation which, in its unexampled career, has nullified the computations of the wildest arithmeticians. The omen, we think, is an evil one. Nations, unlike men, learn little or no wisdom from experience. The decay of other empires, the broken scepters of other kingdoms, the desolated ruins of other republics, have no warning voice for *us*. Over us alone—over our political and social system—is spread a canopy which, like the fabled circle of the Roman hierarchy, is to shield us from all disasters, to give impunity to all excesses, and even to reverse in our behalf those eternal principles of retributive justice which have never slumbered nor changed!

The day has not yet arrived whose advent, it is said, John Randolph predicted, when a member who, on the floor of Congress, should quote the Constitution of the United States, *would be called to order*. A misgiving of something like similar import seems to have oppressed the mind of Thomas Jefferson when he said, “Our peculiar security is in the possession of a *written* Constitution. *Let us not make it a blank paper by construction.*” But the mind is sometimes struck with amazement at the wonderful attributes of expansion and contraction belonging, in our day, to an instrument which those who framed it seemed to have melted down, in the bloody crucible of the Revolution, to a system so admirably simple that every one who sought its meaning could scarcely go astray. What they *made* it, and what now *it is*, under the successive expositions of these latter days, all men may see. What *reasonably* despotic ruler would ask more regal powers than those which a president of the United States may, if he please, exercise, simply under *his own* construction of its import? What was there in the crown which Cæsar thrice refused upon the Lupercal, conferring powers more absolute and illimitable than those which a president of this republic may wield in the sacred name of the Constitution, as *he* understands it?

We do not propose to enter into any examination of the question of constitutional power under which appropriations for objects of internal improvement have been made, nor to deal with the subject in our own right, so to speak, as one of constitutionality or expediency. Our business is to state facts and results in a form which every one who reads may understand, and thus furnish a chart to guide the course of future inquirers into this particular branch of the public history.

We have lost much of the respect we once entertained for constitutional arguments by reason of the evidences which of late years have so multiplied upon us, that the Constitution, in many of its enactments, means any thing or nothing, precisely as the purposes or the expediency of the day may render its interpretation desirable. It is stated that, when the debate was about to be commenced in the House on the joint resolutions providing for the annexation of Texas, a distinguished gentleman from the South, whose guardianship of the Constitution had placed him at the head of all those claiming to be its most strict constructionists, remarked, "Texas is ours, and, Constitution or no Constitution, we will have it." We have seen enough to believe that this is but a sample of the practical respect with which the Constitution is regarded, where it interferes with the accomplishment of particular objects of party policy. A habit, if not of contempt for its provisions, at least of estimating them very lightly, has seized, we think, upon the minds of some of our public men; and but little, comparatively speaking, of the profound reverence for that instrument is now to be discerned which was felt by those who had passed through the fire and blood of the Revolution, and on whose hearts was graven, in characters never to be effaced, the memory of the price at which it had been purchased.

Nor does it belong to us to make any labored reply to the objection of that class of politicians—whose name is legion—who, admitting the constitutional power of improvement, deny the expediency of its exercise by reason of the "log-rolling" to which, they say, it leads, and to the reckless extravagance which results from it. In other words, that as appropriations for such objects can often be obtained only by sacrifices of sectional feelings, one section of country procures appropriations for objects which *are* worthy by voting appropriations to another section

for objects which are *not* worthy, and that thus vast amounts of the public money are uselessly squandered. If the liability of a power to abuse is to act as a fatal barrier to its exercise, it is manifest that the government under which we live could possess little or none of the vitality requisite to the healthful exercise of its functions. But that it may be seen that even the thing called “log-rolling” is susceptible of a high vindication and defense, even upon national and patriotic considerations, we make the following extract from a speech of Robert C. Winthrop, delivered in the House some two or three years since :

“But we are told that the measure under consideration can only be carried through by a corrupt system of *log-rolling*. Gentlemen saw no corruption in the *log-rolling* which was avowedly resorted to last year between the friends of the ‘reannexation of Texas’ and the ‘reoccupation of Oregon.’ They discern nothing but patriotism and purity in the *log-rolling* which seems about to be employed now, between our own administration and that of Great Britain, for breaking down our American tariff. But when a large majority of the members of this House are found abandoning all mere party considerations, and uniting together in the support of measures which are not mere calculated to advance the special interests of separate localities than they are to promote the general advantage of the whole country, why, then, forsooth, they can see nothing but corruption.

“Mr. Chairman, nothing of real value to this republic ever has been, or ever will be effected, without some degree of that sort of combination which is thus stigmatized as *log-rolling*. Mutual concessions, reciprocal benefits, compensation and compromise, have been the very laws of our existence and progress. Wherever common dangers have been averted, common wrongs redressed, common interests promoted, or common principles vindicated, it has been by a system of *log-rolling*. It was *log-rolling* which achieved our independence. It was *log-rolling* which established our Constitution. And the Union itself is nothing but systematic *log-rolling*, under a more stately name.

“Doubtless, such combinations may sometimes proceed from corrupt or unworthy considerations; but when the objects at which they aim are of such clear and unquestionable importance, and of such public and general utility, as those which are now before us, these unmannerly imputations upon motives may, I think, well be spared. For myself, certainly, I have heard of but one overture which would seem to countenance any such imputations in the present instance, and that was contained in a suggestion thrown out from the other side of the House some days ago, that the passage of this bill was an indispensable condition for securing the votes of the Western States for the overthrow of a protective tariff. Such a suggestion would seem to imply that votes are relied upon for this bill upon other grounds besides its own merits, and to be given with a view of promoting the success of a policy wholly disconnected with it, both in form and in substance. This is a species of LOG-ROLLING, sir, which I shall leave to others to justify.”

On the same point, the Committee on Commerce of the last session, in a report which we shall have occasion hereafter specially to notice, say :

“That efforts may sometimes be made to procure appropria-



tions for objects comparatively unimportant, is not improbable; but that such efforts have been or are calculated to be successful, is emphatically denied. It would doubtless be better that an occasional error should occur in favor of some subordinate or unimportant improvement, than that our whole commerce be exposed to peril and left without protection.

“In comparing works of this description [*i. e.*, works connected with navigation], disparities will exist in the degree of necessity or utility; but in the selection of objects by Congress, we know of none that are not so far beneficial to our national commerce as to justify the expenditures heretofore made upon them. If there be any such, it remains for the opponents of the system to disclose them.

“The difficulty of making a fair distribution among the different sections upon improvements of national importance, is more imaginary than real. In imputing a mercenary spirit to entire communities and to members of Congress, ascribing their solicitude for harbor and river improvements to a desire to obtain money from the treasury for selfish purposes, it is not easy to decide whether the President intends to be more complimentary to the virtue and intelligence of the people, or the integrity of their representatives.

“It would be inconsistent with self-respect, and the respect due to the chief magistrate of this country, to characterize his expressions in such terms as they are calculated to provoke.

“But it is due to truth, to the success which has attended our representative system, and to the vindication of our citizens residing in the districts bordering on navigable waters, to declare, that this imputation of sordid motives is unsupported by fact or reason. There is no district in the United States whose population would desire or consent to abstract money from the treasury for objects of local convenience, irrespective of the general good. Our confidence in the virtue and capacity of the American people will not permit us to doubt their competency to select honest agents for the performance of legislative duties, no less worthy of trust than those employed in executive functions. No representative could hope to commend himself to the approbation of his constituents by obtaining appropriations for a work promising no general benefits, but intended to foster ‘private speculation.’ The dangers to the treasury from spec-



ulators calling on Congress to deepen shallow inlets, 'that they may build up new cities on their shores,' are by no means commensurate with the President's suspicions.

"It has been the uniform practice of Congress to require a particular examination and estimate, by a competent officer of the Topographical Corps, before appropriating money for any object of improvement. An unusual share of skill would be required to practice a successful deception upon the Engineer Department and committees of both houses of Congress in regard to the utility of a harbor, or the necessity of any specified work for the improvement of navigation."

We will, however, take leave to direct the attention of the general reader, whose pursuits may not have invited an investigation into such mysteries, to the various provisions of the Constitution under which the exercise of this power of internal improvement is claimed. They are these :

"Congress shall have power to establish post-offices and post-roads.

"To declare war.

"To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

"To pay the debts and provide for the common defense and general welfare of the United States.

"To make all laws which shall be necessary and proper for carrying into execution all the powers vested by the Constitution in the government of the United States, or in any department or officer thereof.

"To dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.

"To provide and maintain a navy.

"To raise and support armies.

"To exercise exclusive authority over all places purchased, by the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

But the provisions which have been chiefly relied upon, and to which some of our prominent public men have referred the whole matter, are those which give power to regulate commerce with foreign nations, and among the several states,

and with the Indian tribes; and to provide for the common defense and general welfare.

In the year 1789, immediately after the government had commenced operations under the Constitution of the United States, the first Congress, composed in part of men who had aided in framing it, "celebrated defenders of the liberties of the country, whom menaces could not intimidate, corruption seduce, nor flattery allure; intrepid asserters of the rights of mankind, whose philosophy and policy had enlightened the world in twenty years more than it was ever before enlightened in many centuries by ancient schools or modern universities"—*such a Congress, we say, passed the following act:*

*"An act for the Establishment and Support of Light-houses, Beacons, Buoys, and Public Piers.*

*"1st. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all expenses which shall accrue from and after the fifteenth day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers erected, placed, or sunk before the passing of this act, at the entrance of, or within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States: Provided, nevertheless, That none of the said expenses shall continue to be so defrayed after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers shall in the mean time be ceded to and vested in the United States by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.*

*"2d. And be it further enacted, That a light-house shall be erected near the entrance of the Chesapeake Bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.*

*"3d. And be it further enacted, That it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for*

*\* John Adams's address to the Senate.*

building a light-house near the entrance of Chesapeake Bay, and for rebuilding, when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several states, and for furnishing the same with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President for the superintendence and care of the same.

“4th. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the states respectively wherein such pilots may be, or with such laws as the states may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress.

“Approved August 7, 1789” (by George Washington).

It is to be borne in mind that at this time we had no internal commerce of any consequence, and but little foreign commerce, all our commercial facilities being confined to a few harbors on the Atlantic then but imperfectly known. These harbors required light-houses, beacons, buoys, piers, and such other artificial facilities to commerce as were then known and in use among us. Under the Confederation, and before the adoption of the Constitution, these objects were in many instances under the care of the respective states.

Mr. Samuel Smith, in a report made to the House of Representatives as early as March 19, 1802, from the Committee on Commerce and Manufactures, says :

“That by the adoption of the present government the states relinquished the right of imposing tonnage duties, which Pennsylvania had previously applied to the support of her light-house, beacons, buoys, and public piers; and that the original intention of the tonnage duty on vessels of the United States appears to have been to provide for the erection, repairs, and support of light-houses, beacons, buoys, and public piers, which, in *all the laws* relative to these objects, appear to be placed on the same footing; and the public piers in the River Delaware were accordingly ceded to the United States by the State of Pennsylvania, at the same time and on the same conditions with the light-house on Cape Henlopen.”—*American State Papers, Commerce and Navigation*, vol. i., p. 500.

But, as we have shown, the first Congress which existed under the Constitution adopted them as fit subjects for its fostering supervision, on the broad principle, distinctly avowed in the first section of the act we have quoted, that they were erected in the inlets, bays, or harbors, for the purpose of “*ren-*

*dering the navigation thereof easy and safe."* Every line of the bill demonstrates, either by explicit declaration or the clearest implication, that by the new Constitution the responsibility of making provision for all such matters was deemed to rest upon the government of the United States.

The act, it will be seen, is exceedingly important and valuable, as furnishing a cotemporaneous exposition of the Constitution; a practical illustration of what, in the opinion of those who framed it, it was designed to be. The *piers* on the lakes constitute at this day the *harbors* of the lakes. Piers are defined by Mr. Calhoun to be "moles raised for the shelter of vessels against storm or ice," and two lateral piers make a harbor. The works enumerated in the act were of the description known to that time, and were all that our commerce, then in its infancy, required. But the *principle* was not distinguishable from that involved in those bills which, in more recent times, have received the sanction and signature of presidents under all administrations, down to and including that of Mr. Tyler.

It will be seen that the proviso to the first section of the act required that the jurisdiction of the sites of the improvements designated should be "ceded to and vested in" the United States by the state or states in which the same might lie. And, accordingly, various cessions of light-houses, beacons, buoys, public piers, and sites of land for the construction of light-houses, &c., were from time to time made by the states respectively, vesting the property, jurisdiction, and sometimes both, or right of occupancy, in the government of the United States. Among others, the State of Pennsylvania, on the 28th of September, 1789, ceded the light-house at Cape Henlopen, and all the beacons, buoys, and *public piers*, lands, tenements, and the jurisdiction thereof, except Mud Island, in the River Delaware, and the wharves thereon, to the United States. And the State of Delaware, on the 11th of January, 1803, ceded the sites of *piers*, &c., in the River Delaware, at Newcastle, to the United States.

The act of 1789 was followed up in the succeeding year by another, approved July 22, 1790, by which appropriations were made for these objects, although jurisdiction should not have been ceded. The act is in the following words :



*“An Act to amend the Act for the Establishment and Support of Light-houses, Beacons, Buoys, and Public Piers.*

*“Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all expenses which shall accrue from and after the fifteenth day of August next, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers within the United States, shall continue to be defrayed by the United States until the first day of July, 1791, notwithstanding such light-houses, beacons, buoys, and public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to or vested in the United States by the state or states respectively in which the same may be, and that the said time be further allowed to the states respectively to make such cessions.”*

On the 12th of August, 1790, in an act entitled “An Act making certain Appropriations for Objects therein named,” a sum of money is appropriated for certain objects, “including one thousand dollars for defraying the expenses of certain establishments for the *security of navigation*, of the like nature with those mentioned in the act entitled ‘An Act for the Establishment and Support of Light-houses, Beacons, Buoys, and Public Piers,’ but not particularly specified therein.”

On the third of March, 1791, an act entitled “An Act to continue in force the Act therein mentioned, and to make further Provision for the Payment of Pensions to Invalids, and for the Support of Light-houses, Beacons, Buoys, and Public Piers,” was passed, which provides, in the third section, “that all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, shall continue to be defrayed by the United States until the first day of July, 1792, notwithstanding such light-houses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, shall not in the mean time be ceded to or vested in the United States by the state or states respectively in which the same may be, and that the said time be further allowed to the states respectively to make such cession.”

On the 12th of April, 1792, Congress passed “An Act supple-



mentary to the Act for the Establishment and Support of Light-houses, Beacons, Buoys, and Public Piers," by which all the expenses of these establishments were to be defrayed by the United States until the first of July, 1793, notwithstanding that the jurisdiction of the sites should not have been ceded.

An act passed June 7th, 1794, continues the last-mentioned act in force for a period of something over another year.

And on the second of March, 1795, an act "to continue in force for a limited time the acts therein mentioned," still further extends the operation of the supplementary act aforesaid.

It will be seen, by the evidences we have quoted, that Congress did not, in a rigorous spirit, exact from the states compliance with that portion of the act of 1789 which required cession of jurisdiction of the sites. And though, as we have stated, such cessions were made in various cases, yet the provision was at last abandoned in effect, by an act passed on the second of March, 1795, which provided that a joint jurisdiction of the two authorities of the state and federal governments should be considered such a cession of jurisdiction as was required by the original act.

And here, in the order of dates, we may note two reports made by Oliver Wolcott, then Secretary of the Treasury. The first bears date March 16, 1796. It is in answer to a memorial, referred to him by the House of Representatives, of merchants in the city of Philadelphia, setting forth the great and increasing danger to the trade of that city in consequence of the insufficiency of the public piers in the River Delaware, and praying that an addition may be made to their number. The secretary recommends an appropriation, not exceeding sixteen thousand dollars, for the erection of four additional piers: and, on the 13th of April, 1798, the same officer, to whom the House had referred similar memorials, recommends an additional appropriation of sixty thousand dollars for similar objects.

In the last-mentioned report this passage is found [State Papers, Commerce and Navigation, vol. i., p. 390]:

"A question arises whether expenses of the nature proposed ought to be *general*, or whether they ought to be defrayed by a duty imposed on the tonnage of vessels employed in the River Delaware.

"On this point it is respectfully suggested, that though it

may be difficult to form *general* rules by which to determine, *in all cases*, what establishments ought to be supported at the expense of the United States, and that though it is certain that many of the bays, rivers, and harbors of this country are susceptible of improvements which it would be inexpedient for the government to undertake, especially at present, yet it is equally certain that national interests of the first importance are concentrated in the principal commercial cities, which can not, consistently with public convenience, be submitted to the direction of local policy.

"The secretary, whenever this subject has been presented to his view, has considered the River Delaware, below Philadelphia, as entitled, in respect to establishments for the security of navigation, to the same consideration as any part of the coast adjoining to the high sea. The proposed piers will be useful to foreign vessels, and to American vessels from all the states. Commercial ports upon the river, within the jurisdiction of three states, will, in proportion to the extent of their trade, be nearly as much benefited by the establishments which are desired as the port of Philadelphia."

Besides the general acts we have designated, a number of acts for specific objects of this kind were passed in the early history of the government, and similar objects were appropriated for in some of the general bills for its support.

But it will be found, on tracing the course of this legislation, that the objects for which these appropriations were made, ceased, in a very few years, as the wants and necessities of commerce became more apparent and better understood, to be confined to those specified in the act of 1789, and that they were extended to others deemed necessary to carry out, more effectually, the great specified purpose of that act, to wit, to render "*navigation easy and safe.*"

On the 27th of April, 1798, an act was passed "for erecting light-houses, and placing buoys and *stakes* at the places therein mentioned," one of the provisions of which was, "to cause the channel of Warren River, from Narraganset Bay to the port of Warren, in the State of Rhode Island, *to be distinctly marked,*" thus presenting a direct case of the improvement of the channel of a river above its bay, and in the interior of a state. And in the general appropriation bill for the support of the govern-

ment, passed on the third of March, 1801, an appropriation is made "for the support of light-houses, beacons, buoys, and public piers, *and other improvements in navigation.*"

On the sixth of April, 1802, an act was passed authorizing "the erection of certain light-houses, and for other purposes," the eighth section of which is in the following words:

"Sect. 8. *And be it further enacted*, That it shall be lawful for the Secretary of the Treasury, under the direction of the President of the United States, to cause to be expended in repairing and *erecting* public piers, in the River Delaware, a sum not exceeding thirty thousand dollars, and that the same be paid out of any moneys in the treasury not otherwise appropriated: *Provided*, that the jurisdiction of the site where any such piers may be erected shall be first ceded to the United States, according to the conditions in such case by law provided."

And by an act passed May 1st of the same year, for the support of the government, an appropriation was made "for the maintenance and support of light-houses, beacons, buoys, and public piers, and *stakage of channels, bars, and shoals*, and for occasional improvement in the construction of lanterns and lamps, and materials used therein, and other contingent expenses."

By an act for the support of government, passed March 1st, 1805, in addition to a general appropriation for "light-houses, beacons, buoys, and public piers, and *stakage of channels, bars, and shoals*," there are a number of specific appropriations for similar objects, among which we note the following:

"For erecting public piers in the River Delaware, five thousand eight hundred and eighty-eight dollars and seventy-nine cents."

Appropriations for these objects went on from year to year, increasing in amount, and being extended to new and distant states, as the necessities and interests of commerce from time to time required. The history of this legislation is thus summed up by General Jackson in his message of December, 1830:

"The practice of defraying, out of the treasury of the United States, the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof easy and safe, is coeval with the adoption

of the Constitution, and has been continued without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our seaboard, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures; to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as on the seaboard. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant, and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors."

We now turn to the general course of legislation on the subject of internal improvements. We are relieved from the necessity of tracing it out by a report submitted by Colonel Abert, the distinguished and very able head of the Bureau of Topographical Engineers, in compliance with a resolution of the Senate calling for a statement of all appropriations made for the construction and repair of all roads, fortifications, and harbors, and for the improvement of rivers, in each and all of the states and territories of the United States, showing the amount and period of each appropriation and expenditure. The great value of this document, which is numbered forty-four, will be seen at a glance. It condenses into a small compass information which, in another form, would run out to a voluminous extent. It is proper that we should state that, for the purpose of more ready reference, we have added to the original document another column, which gives the name of the President by whom such appropriation was approved. The reader need only look, therefore, at the last column in each page, and he will see at once the political complexion of the administration under which an appropriation for any particular item was made:

*Statement of Appropriations for the Construction and Repair of Roads, and for the Improvement of Harbors and Rivers in the United States, showing, as far as practicable, the Amounts expended in each State.*

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 1.					
Building a pier at Steele's Ledge, in the harbor of Belfast, Me.	1826	\$1,200 00	\$5,800 00	Maine.	J. Q. Adams. Jackson.
	1834	4,600 00			
No. 2.					
Removing obstructions in Kennebec River, at Lovejoy's Narrows, Me.	1827	4,000 00	15,100 00		J. Q. Adams.
	1828	3,500 00			J. Q. Adams.
	1830	5,000 00			Jackson.
	1832	2,600 00			Jackson.
No. 3.					
Breakwater at Stanford Ledge, in Portland Harbor, Me.	1836	10,000 00	61,366 00		Jackson
	1837	25,000 00			Jackson.
	1838	26,366 00			Van Buren.
No. 4.					
Erecting piers and removing obstructions at and near the harbor of Saco, Me.	1821	5,000 00	12,000 00		Monroe.
	1827	7,000 00			J. Q. Adams.
No. 5.					
Pier at the entrance of Kennebec River, Me.	1829	5,000 00	36,675 00		J. Q. Adams.
	1831	1,175 00			Jackson.
	1832	1,700 00			Jackson.
	1834	10,300 00			Jackson.
	1836	7,500 00			Jackson.
	1837	3,000 00			Jackson.
	1838	8,000 00			Van Buren.
No. 6.					
Removing obstructions in the Berwick branch of Piscataqua River, Me.	1828	8,000 00	8,250 00		J. Q. Adams.
	1832	250 00			Jackson.
No. 7.					
Military road from Mattanawcook to Mar's Hill, Me.	1828	15,000 00	137,383 72		J. Q. Adams.
	1829	42,932 00			J. Q. Adams.
	1830	47,451 72			Jackson.
	1831	5,000 00			Jackson.
	1832	21,000 00			Jackson.
	1834	6,000 00			Jackson.
No. 8.					
Deepening the channel of the Cocheco branch of Piscataqua River, N. H.	1826	5,000 00	10,000 00	N. Hampshire.	Jackson.
	1837	5,000 00			Jackson.
No. 9.					
Improving the harbor of Burlington, Vt.	1836	10,000 00	80,000 00	Vermont.	Jackson.
	1837	10,000 00			Jackson.
	1838	50,000 00			Van Buren.
	1844	10,000 00			Tyler.
No. 10.					
Deepening the channel between the Hero Islands, Lake Champlain, Vt.	1836		21,000 00		Jackson.
	1837	15,000 00 6,000 00			Jackson.
			\$101,000 00		



Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 11.					
Deepening the channel at the mouth of Merrimack River, Mass.	1828	\$32,100 00	\$60,366 72	Massachusetts.	J. Q. Adams.
	1830	3,506 72			Jackson.
	1831	16,000 00			Jackson.
	1833	4,200 00			Jackson.
	1834	3,860 00			Jackson.
No. 12.					
Breakwater at Sandy Bay, Mass.	1836	10,000 00	50,000 00		Jackson.
	1837	20,000 00			Jackson.
	1838	20,000 00			Van Buren.
No. 13.					
Preservation of Rainsford Island, Mass.	1836	15,000 00	22,353 00		Jackson.
	1838	7,353 00			Van Buren.
No. 14.					
Preservation of Deer Island, Mass.	1828	87,000 00	159,390 00		J. Q. Adams
	1831	12,390 00			Jackson.
	1832	60,000 00			Jackson.
No. 15.					
Preservation of the point of land leading to the fort and light-house at the Gurnet, in Duxbury, Mass.	1836	5,000 00	5,000 00		Jackson.
No. 16.					
Preservation of Plymouth Beach, Mass.	1824	20,000 00	52,266 00		Monroe.
	1825	5,712 00			Monroe.
	1826	13 14 00			J. Q. Adams
	1830	1,850 00			Jackson.
	1831	2,820 00			Jackson.
	1832	2,500 00			Jackson.
	1833	600 00			Jackson.
	1834	2,000 00			Jackson.
	1835	700 00			Jackson.
	1836	500 00			Jackson.
	1838	2,400 00			Van Buren.
No. 17.					
Preservation of the harbor of Provincetown, Mass.	1826	3,500 00	27,850 00		J. Q. Adams.
	1831	2,050 00			Jackson.
	1832	4,000 00			Jackson.
	1834	4,400 00			Jackson.
	1835	4,400 00			Jackson.
	1836	4,400 00			Jackson.
	1838	4,500 00			Van Buren.
No. 18.					
Improving the harbor at the mouth of Bass River, Mass.	1836	10,000 41	20,000 41		Jackson.
	1838	10,000 00			Van Buren.
No. 19.					
Breakwater at Hyannis Harbor, Mass.	1827	10,650 00	70,931 82		J. Q. Adams.
	1830	6,517 82			Jackson.
	1831	8,400 00			Jackson.
	1832	7,600 00			Jackson.
	1833	5,000 00			Jackson.
	1834	10,000 00			Jackson.
	1835	9,000 00			Jackson.
	1837	5,000 00			Jackson.
	1838	8,764 00			Van Buren.
No. 20.					
Constructing a pier at Edgartown, Mass.	1828	1,225 27	3,725 27		J. Q. Adams.
	1829	2,500 00			J. Q. Adams.

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
<b>No. 21.</b>					
Removing a wreck in the harbor of New Bedford, Mass.	1836	\$10,000 00	\$10 000 00	Massachusetts.	Jackson.
<b>No. 22.</b>					
Improving the harbor of Nantucket, Mass.	1829	30,000 00			J. Q. Adams.
	1831	8,265 00			Jackson.
	1832	6,000 00			Jackson.
			44,265 00		
			\$526,148 22		
<b>No. 23.</b>					
Breakwater at Church's Cove Harbor, R. I.	1836	10,000 00		Rhode Island	Jackson.
	1838	18,000 00			Van Buren.
			28,000 00		
<b>No. 24.</b>					
Erecting a pier and beacon at Allen's Rock, in Warren River, R. I.	1828	4,000 00	4,000 00		J. Q. Adams.
			\$32 000 00		
<b>No. 25.</b>					
Erecting piers at Stonington Harbor, Conn.	1828	20,000 00		Connecticut.	J. Q. Adams.
	1830	16,491 67			Jackson.
	1834	262 16			Jackson.
			36,753 83		
<b>No. 26.</b>					
Deepening the channel of Thames River, Conn.	1836	10,000 00			Jackson.
	1837	20,000 00			Jackson.
	1838	10,000 00			Van Buren.
			40,000 00		
<b>No. 27.</b>					
Improving the harbor of Saybrook, Conn.	1836	20,000 00	20,000 00		
<b>No. 28.</b>					
Deepening the channel of Bridgeport Harbor, Conn.	1836	10,000 00	10,000 00		Jackson.
<b>No. 29.</b>					
Sea wall for the preservation of Fairweather Island, Conn.	1836	10,000 00			Jackson.
	1837	5,000 00			Jackson.
	1838	11,550 00			Van Buren.
			26,550 00		
<b>No. 30.</b>					
Removing obstructions at Saugatuck Harbor, Conn.	1827	1,500 00	1,500 00		J. Q. Adams.
<b>No. 31.</b>					
Improving the harbor of Westport, Conn.	1836	3,000 00			Jackson.
	1837	3,734 00			Jackson.
	1838	4,782 00			Van Buren.
			11,516 00		
<b>No. 32.</b>					
Securing the beach at Cedar Point, Conn.	1836	1,000 00	1,000 00		Jackson.
<b>No. 33.</b>					
Improving the harbor of Mill River, Conn.	1829	6,097 00			J. Q. Adams.
	1832	4,490 43			Jackson.
			10,587 43		

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.		
No. 34.							
Securing the public works at Southport, Conn.	1836	\$1,500 00	\$2,500 00	Connecticut.	Jackson.		
	1837	1,000 00			Jackson.		
			\$160,407 26				
No. 35.							
Improving the harbor of Dunkirk, N. Y.	1827	3,000 00	92,743 93	New York.	J. Q. Adams.		
	1828	6,000 00			J. Q. Adams.		
	1829	9,812 75			J. Q. Adams.		
	1830	1,342 75			Jackson.		
	1831	6,400 00			Jackson.		
	1832	10,200 00			Jackson.		
	1834	4,000 00			Jackson.		
	1835	10,988 43			Jackson.		
	1836	11,000 00			Jackson.		
	1837	15,000 00			Jackson.		
	1838	10,000 00			Van Buren.		
	1844	5,000 00			Tyler.		
No. 36.							
Improving the harbor of Buffalo, N. Y.	1826	15,000 00	248,094 00		J. Q. Adams.		
	1828	34,206 00			J. Q. Adams.		
	1830	15,488 00			Jackson.		
	1831	12,900 00			Jackson.		
	1832	10,300 00			Jackson.		
	1833	31,700 00			Jackson.		
	1834	20,000 00			Jackson.		
	1838	68,500 00			Van Buren.		
	1844	40,000 00			Tyler.		
No. 37.							
Improving the harbor of Black Rock, N. Y.	1829	30,000 00	52,098 00		J. Q. Adams.		
	1830	3,198 00			Jackson.		
	1831	1,800 00			Jackson.		
	1832	5,100 00			Jackson.		
	1834	12,000 00			Jackson.		
No. 38.							
Improving the harbor at Oak Orchard Creek, N. Y.	1836	5,000 00	20,000 00		Jackson.		
	1837	5,000 00			Jackson.		
	1838	5,000 00			Van Buren.		
	1844	5,000 00			Tyler.		
No. 39.							
Improving the entrance into Genesee River, N. Y.	1829	10,000 00	158,395 00		J. Q. Adams.		
	1830	13,335 00			Jackson.		
	1831	16,670 00			Jackson.		
	1832	16,000 00			Jackson.		
	1833	15,000 00			Jackson.		
	1834	20,000 00			Jackson.		
	1835	3,390 00			Jackson.		
	1836	20,000 00			Jackson.		
	1837	10,000 00			Jackson.		
	1838	25,000 00			Van Buren.		
	1844	10,000 00			Tyler.		
No. 40.							
Improving the entrance into Big Sodus Bay, N. Y.	1829	12,500 00	143,620 00		J. Q. Adams.		
	1830	15,280 00			Jackson.		
	1831	17,450 00			Jackson.		
	1832	17,000 00			Jackson.		
	1833	15,000 00			Jackson.		
	1834	15,000 00			Jackson.		
	1835	11,790 00			Jackson.		
	1836	12,600 00			Jackson.		
	1837	12,000 00			Jackson.		
	1838	10,000 00			Van Buren.		
	1844	5,000 00			Tyler.		

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
<b>No. 41.</b>					
Improving the harbor of Oswego, N. Y.	1827	\$33,348 64		New York.	J. Q. Adams.
	1828	9,583 39			J. Q. Adams.
	1830	7,472 00			Jackson.
	1831	22,016 81			Jackson.
	1832	19,000 00			Jackson.
	1833	8,400 00			Jackson.
	1834	30,000 00			Jackson.
	1836	20,000 00			Jackson.
	1837	15,000 00			Jackson.
	1838	46,067 00			Van Buren.
	1844	20,000 00			Tyler.
			\$230,887 87		
<b>No. 42.</b>					
Improving the harbor of Sackett's Harbor, N. Y.	1826	3,000 00			J. Q. Adams.
	1828	3,000 00			J. Q. Adams.
			6,000 00		
<b>No. 43.</b>					
Building an ice-breaker on Staten Island, N. Y.	1836	19,500 00	19,500 00		Jackson.
<b>No. 44.</b>					
Improving the navigation of the Hudson River, N. Y.	1834	70,000 00			Jackson.
	1836	100,000 00			Jackson.
	1837	100,000 00			Jackson.
	1838	100,000 00			Van Buren.
			370,000 00		
<b>No. 45.</b>					
Improving the harbor at Cattaraugus Creek, N. Y.	1836	15,000 00			Jackson.
	1837	10,000 00			Jackson.
	1838	32,410 00			Van Buren.
			57,410 00		
<b>No. 46.</b>					
Improving the harbor of Portland, N. Y.	1836	10,000 00			Jackson.
	1837	10,000 00			Jackson.
	1838	35,466 00			Van Buren.
			55,466 00		
<b>No. 47.</b>					
Improving the harbor of Whitehall, N. Y.	1826	8,000 00			Jackson.
	1837	10,000 00			Jackson.
	1838	15,000 00			Van Buren.
			33,000 00		
<b>No. 48.</b>					
Construction of a harbor at the mouth of Black River, N. Y.	1836	5,000 00			Jackson.
	1837	10,000 00			Jackson.
	1838	22,401 00			Van Buren.
			37,401 00		
<b>No. 49.</b>					
Improving the harbor at the mouth of Salmon River, N. Y.	1836	5,000 00			Jackson.
	1837	10,000 00			Jackson.
	1838	30,000 00			Van Buren.
	1844	5,000 00			Tyler.
			50,000 00		
<b>No. 50.</b>					
Improving the harbor of Plattsburg, N. York.	1836	10,000 00			Jackson.
	1837	10,000 00			Jackson.
	1838	27,500 00			Van Buren.
	1844	10,000 00			Tyler.
			57,500 00		
			\$1,632,115 80		
<b>No. 51.</b>					
Improving the harbor of New Brunswick, N. J.	1836	7,000 00		New Jersey.	Jackson.
	1837	6,963 00			Jackson.
			13,963 00		

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom proved.
No. 52.					
Improving Little Egg Harbor, N. J.	1836	\$5,000 00		New Jersey.	Jackson. Van Buren.
	1838	10,000 00			
			\$15,000 00		
			\$28,963 00		
No. 53.					
Improving the harbor of Erie, Penn.	1824	20,000 00		Pennsylvania.	Monroe. J. Q. Adams. J. Q. Adams. J. Q. Adams. Jackson. Jackson. Jackson. Jackson. Jackson. Jackson. Van Buren. Tyler.
	1826	7,000 00			
	1827	2,000 00			
	1828	6,223 18			
	1829	7,781 25			
	1831	1,700 00			
	1832	4,500 00			
	1833	6,000 00			
	1834	23,045 00			
	1835	5,000 00			
	1836	15,122 80			
	1837	15,000 00			
	1838	30,000 00			
	1844	40,000 00			
		182,981 23			
Removing bar in Delaware River, near Fort Mifflin, Penn.	1836	15,000 00	15,000 00	(Not expended.)	Jackson.
No. 55.					
Improving the harbor of Chester, Penn.	1836	3,000 00			Jackson.
	1837	2,000 00			Jackson.
			5,000 00		
No. 56.					
Improving the harbor of Marcus Hook, Penn.	1836	5,000 00	5,000 00		J. Q. Adams.
			\$207,981 23		
No. 57.					
Improving the harbors of Chester, Newcastle, Marcus Hook, Port Penn, and Fort Mifflin, Pennsylvania and Delaware.	1828	4,413 00		Pennsylvania and Delaware.	J. Q. Adams. Jackson. Jackson. Jackson. Jackson.
	1830	10,000 00			
	1831	4,000 00			
	1832	10,000 00			
	1833	4,000 00			
	1835	6,000 00			
		38,413 00			
No. 58.					
Improving the harbor of Newcastle, Del.	1826	25,000 00		Delaware.	J. Q. Adams. Jackson. Jackson. Van Buren.
	1836	25,000 00			
	1837	10,000 00			
	1838	25,000 00			
			85,000 00		
No. 59.					
Improving the harbor of Wilmington, Del.	1836	15,000 00			Jackson.
	1837	8,000 00			Jackson.
	1838	9,356 00			Van Buren.
			32,356 00		
No. 60.					
Delaware Breakwater, Delaware Bay.	1828	250,000 00			J. Q. Adams.
	1830	162,000 00			Jackson.
	1831	208,000 00			Jackson.
	1832	270,000 00			Jackson.
	1833	270,000 00			Jackson.
	1834	270,000 00			Jackson.
	1835	100,000 00			Jackson.
	1836	100,000 00			Jackson.
	1837	141,000 00			Jackson.
	1838	150,000 00			Van Buren.
			1,921,000 00		
			\$2,038,356 00		



Description of Works.	Year.	Amounts appropriated.	Total.	Known State expended.	By Warrant provided.
No. 61.					
Cumberland Road, east of the Ohio River, Maryland, Pennsylvania, and Virginia.	1806	\$30,000 00		Maryland, Pennsylvania, and Virginia.	Jefferson.
	1810	40,000 00			Madison.
	1811	50,000 00			Madison.
	1812	30,000 00			Madison.
	1815	100,000 00			Madison.
	1818	312,989 00			Madison.
	1823	25,000 00			Monroe.
	1827	30,000 00			J. Q. Adams.
	1828	175,000 00			J. Q. Adams.
	1829	100,000 00			J. Q. Adams.
	1830	15,000 00			Jackson.
	1832	155,868 00			Jackson.
	1833	155,000 00			Jackson.
	1834	300,000 00			Jackson.
	1835	346,186 58			Jackson.
1837	7,183 63		Jackson.		
1838	9,000 00		Van Buren.		
			\$1,901,227 81		
No. 62.					
Deepening the harbor of Baltimore, Md.	1836	20,000 00		Maryland.	Jackson.
	1837	15,000 00			Jackson.
	1838	20,000 00			Van Buren.
			55,000 00		
No. 63.					
Improving the debouches of the Dismal Swamp Canal, Va.	1836	15,000 00		Virginia.	Jackson.
	1838	10,000 00			Van Buren.
			25,000 00		
No. 64.					
Improving Ocracoke Inlet, N. C.	1828	20,000 00		N. Carolina.	J. Q. Adams.
	1829	21,000 00			J. Q. Adams.
	1831	17,000 00			Jackson.
	1832	22,000 00			Jackson.
	1833	16,700 00			Jackson.
	1834	15,000 00			Jackson.
	1836	9,000 00			Jackson.
	1837	12,050 00			Jackson.
			132,750 00		
No. 65.					
Improving Pamlico River, below Washington, N. C.	1836	5,000 00			Jackson.
	1838	5,000 00			Van Buren.
			10,000 00		
No. 66.					
Improving New River and the harbor of Beaufort, N. C.	1836	10,000 00			Jackson.
	1837	20,000 00			Jackson.
	1838	25,000 00			Van Buren.
			55,000 00		
No. 67.					
Improving Cape Fear River, N. C.	1829	20,000 00			J. Q. Adams.
	1830	25,688 00			Jackson.
	1831	25,705 00			Jackson.
	1832	28,000 00			Jackson.
	1833	28,000 00			Jackson.
	1834	5,234 00			Jackson.
	1835	20,000 00			Jackson.
	1836	20,000 00			Jackson.
			172,627 00		
			\$370,377 00		
No. 68.					
Improving the navigation of Savannah River, Ga.	1826	50,000 00		Georgia.	J. Q. Adams.
	1832	25,000 00			Jackson.
	1833	11 00			Jackson.
	1834	30,000 00			Jackson.
	1835	20,000 00			Jackson.
	1838	15,000 00			Van Buren.
			140,913 00		

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 69.					
Removing a bar at Brunswick Harbor, Ga.	1836	\$10,000 00	\$10,000 00	Georgia.	Jackson.
No. 70.					
Improving the inland passage between St. Mary's, Ga., and St. John's, Fla.	1828	13,500 00			J. Q. Adams.
	1830	1,500 00			Jackson.
	1833	9,000 00			Jackson.
	1835	15,000 00			Jackson.
	1836	5,000 00			Jackson.
	1837	5,000 00			Jackson.
	1838	29,000 00			Van Buren.
			78,000 00		
No. 71.					
Road between Fort Hawkins, Ga., and Fort Stoddart, Ala.	1816	10,000 00			Madison.
	1818	5,000 00			Monroe.
			15,000 00		
			\$243,043 06		
No. 72.					
Improving the navigation of the River St. Mark's, Fla.	1829	6,500 00		Florida.	J. Q. Adams.
	1830	10,000 00			Jackson.
	1831	7,430 00			Jackson.
	1832	4,500 00			Jackson.
	1833	1,500 00			Jackson.
	1834	4,600 00			Jackson.
	1844	2,500 00			Tyler.
			37,030 00		
No. 73.					
Improving the Ochlockony River, Fla.	1833	5,000 00	5,000 00		Jackson.
No. 74.					
Improving the Escambia River, Fla.	1833	5,000 00			Jackson.
	1836	5,500 00			Jackson.
			10,500 00		
No. 75.					
Improving the navigation of Choctawhatchie River, Fla.	1833	5,000 00	5,000 00		Jackson.
No. 76.					
Improving the Choctawhatchie and Holmes Rivers, Fla.	1841	10,000 00	10,000 00		Tyler.
No. 77.					
Removing obstructions in Apalachicola River, Fla.	1828	3,000 00			J. Q. Adams.
	1830	2,000 00			Jackson.
	1831	8,000 00			Jackson.
			13,000 00		
No. 78.					
Improving the harbor of Apalachicola, Fla.	1833	8,700 00			Jackson.
	1836	10,000 00			Jackson.
			18,700 00		
No. 79.					
Canal to connect Indian River and Mosquito Lagoon, Fla.	1844	1,500 00	1,500 00		Tyler.
No. 80.					
Road from Alachua Court-house to Jacksonville, Fla.	1830	2,000 00	2,000 00		Jackson.
No. 81.					
Road from Alagua to Mariana, Fla.	1830	2,000 00	2,000 00		Jackson.

Designation of Work.	Year.	Amount appropriated.	Amount expended.	Amount expended.	Approved.
No. 82.					
Road from Pensacola to Tallahassee, Fla.	1829	\$6,000 00		Florida.	J. Q. Adams. Jackson. Jackson. Jackson.
	1830	5,369 72			
	1832	6,000 00			
	1835	15,000 00			
			\$32,869 72		
No. 83.					
Road from Pensacola to St. Augustine, Fla.	1824	20,000 00		33,000 00	Monroe. Monroe. J. Q. Adams.
	1825	8,000 00			
	1827	5,000 00			
No. 84.					
Road from Georgia line to New Smyrna, Fla. (King's Road).	1827	11,000 00		13,000 00	J. Q. Adams. Jackson.
	1830	2,000 00			
No. 85.					
Road from St. Mary's River to Tampa Bay, Fla.	1825	12,000 00		18,000 00	Monroe. J. Q. Adams.
	1827	6,000 00			
No. 86.					
Road from the northern boundary of Florida, by Marianna, to Apalachicola, Fla.	1824	12,000 00		32,313 00	Jackson. Jackson.
	1827	20,313 00			
No. 87.					
Road from Pensacola to Webbville, Fla.	1835	4,000 00	4,000 00		Jackson.
No. 88.					
Road from Tallahassee to Cuba, Fla.	1838	10,000 00	10,000 00	(Not expended.)	Van Buren.
No. 89.					
Road from St. Augustine to Picolata, Fla.	1838	17,300 00	17,300 00		Van Buren.
No. 90.					
Road from Jacksonville to Tallahassee, Fla.	1838	10,000 00	10,000 00		Van Buren.
No. 91.					
Road from Jacksonville to Newnansville, Fla.	1839	5,000 00	5,000 00		Van Buren.
No. 92.					
Road from Jacksonville to St. Mary's, Fla.	1840	7,500 00	7,500 00		Van Buren.
			\$287,712 72		
No. 93.					
Improving the Harbor of Mobile, Ala.	1826	10,000 00		Alabama.	J. Q. Adams. J. Q. Adams. Jackson. Jackson. Jackson. Van Buren.
	1829	20,000 00			
	1834	10,000 00			
	1835	17,000 00			
	1837	20,000 00			
	1838	50,000 00			
			127,000 00		
No. 94.					
Deepening the channel through the Pass-au-Heron, Ala.	1828	18,000 00	18,000 00		J. Q. Adams.
No. 95.					
Road from Line Creek to the Chattahoochee River, Ala.	1826	6,000 00		26,000 00	J. Q. Adams. Jackson.
	1833	20,000 00			

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 96.					
Road between Pensacola and Blake-ly, and Mobile Point, Ala.	1829	\$3,000 00	\$3,000 00	Alabama.	J. Q. Adams.
			\$204,997 60		
No. 97.					
Improving Pascagoula River, Miss.	1827	8,000 00		Mississippi.	J. Q. Adams.
	1828	17,500 00	25,500 00		J. Q. Adams.
No. 98.					
Road between Jackson and Colum-bus, Miss.	1826	15,000 00	15,000 00		J. Q. Adams.
No. 99.					
Road from Nashville, Tenn., to Natchez, Miss.	1806	6,000 00	6,000 00		Jefferson.
			\$46,500 00		
No. 100.					
Increasing the depth of water at the mouth of the Mississippi Riv-er, La.	1836	75,000 00		Louisiana.	Jackson.
	1837	210,000 00	285,000 00		Jackson.
No. 101.					
Improving the navigation of Red River, La.	1828	25,000 00			J. Q. Adams.
	1832	20,000 00			Jackson.
	1834	50,000 00			Jackson.
	1835	50,000 00			Jackson.
	1836	70,800 00			Jackson.
	1837	65,000 00			Jackson.
	1838	70,000 00			Van Buren.
	1841	75,000 00	425,800 00		Van Buren.
No. 102.					
Road from the frontier of Georgia, on the route from Athens to New Orleans, La.	1806	6,400 00	6,400 00		Jefferson.
			\$717,200 00		
No. 103.					
Road from Nashville, Tenn., to New Orleans, La.	1823	7,920 00	7,920 00	Tennessee.	Monroe.
No. 104.					
Road from Reynoldsburg, Tenn., to intersect the Natchez road.	1817	4,000 00	4,000 00		Monroe.
			\$11,920 00		
No. 105.					
Improving the navigation of the Cumberland River, Kentucky and Tennessee.	1832	30,000 00		Kentucky and Tennessee.	Jackson.
	1834	30,000 00			Jackson.
	1836	20,000 00			Jackson.
	1837	55,000 00			Jackson.
	1838	20,000 00	155,000 00		Van Buren.
No. 106.					
Improving the navigation of the Arkansas River, Ark.	1832	15,000 00		Arkansas.	Jackson.
	1835	40,000 00			Jackson.
	1837	25,000 00			Jackson.
	1838	40,000 00	120,000 00		Van Buren.
No. 107.					
Road from Little Rock to Canton-ment Gibson, Ark.	1827	10,000 00	10,000 00		J. Q. Adams.

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 108.					
Road from opposite Memphis to the St. Francis River, Ark.	1833	\$100,000 00		Arkansas.	Jackson.
	1835	106,000 00	\$206,000 00		Jackson.
No. 109.					
Road from opposite Memphis to Little Rock, Ark.	1824	15,000 00			Monroe.
	1827	9,065 00			J. Q. Adams.
	1832	20,000 00			Jackson.
	1834	15,000 00	59,065 00		Jackson.
No. 110.					
Road from Fort Smith to Fort Towson, Ark.	1827	12,000 00	12,000 00		J. Q. Adams.
No. 111.					
Road from Washington to Jackson, Ark.	1831	15,000 00			Jackson.
	1832	2,000 00	17,000 00		Jackson.
No. 112.					
Road from Helena to the mouth of Cache River, Ark.	1834	10,000 00	10,000 00		Jackson.
No. 113.					
Road from Strong's, by Litchfield, to Batesville, Ark.	1834	7,000 00	7,000 00		Jackson.
No. 114.					
Road from Columbia to Little Rock, Ark.	1834	10,000 00	10,000 00		Jackson.
No. 115.					
Road from the southern boundary of Missouri to Fulton, on Red River, Ark.	1835	20,000 00	20,000 00		Jackson.
No. 116.					
Road from Fort Towson to the northern boundary of Louisiana, Ark.	1835	15,000 00	15,000 00		Jackson.
			\$486,065 00		
No. 117.					
Western frontier military road from the Mississippi to Red River, Missouri and Arkansas.	1836	100,000 00	100,000 00	Missouri and Arkansas.	Jackson.
No. 118.					
Building a pier to give direction to the current of the Mississippi River, near St. Louis, Mo.	1836	15,000 00		Missouri.	Jackson.
	1837	35,000 00			Jackson.
	1844	25,000 00	75,000 00		Tyler.
No. 119.					
Improving the Mississippi River above the mouth of the Ohio, and the Missouri River.	1836	40,000 00		States through which those rivers pass.	Jackson.
	1837	40,000 00			Jackson.
	1838	20,000 00	100,000 00		Van Buren.
No. 120.					
Improving the Ohio and Mississippi Rivers.	1824	75,000 00			Monroe.
	1827	30,000 00			J. Q. Adams.
	1828	50,000 00			J. Q. Adams.
	1829	50,000 00			J. Q. Adams.
	1830	50,000 00			Jackson.
	1831	200,000 00			Jackson.
	1837	60,000 00			Jackson.
	1838	70,000 00	585,000 00		Van Buren.



Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
<b>No. 121.</b>					
Improving the Ohio, Missouri, and Mississippi Rivers.	1832	\$50,000 00		States through which those rivers pass.	Jackson.
	1833	50,000 00			Jackson.
	1834	50,000 00			Jackson.
	1835	50,000 00			Jackson.
	1836	60,000 00			Jackson.
	1837	23,000 00			Jackson.
	1838	20,000 00			Van Buren.
			\$303,000 00		
<b>No. 122.</b>					
Improving the Ohio River above the Falls of the Ohio.	1835	50,000 00			Jackson.
	1836	20,000 00			Jackson.
	1837	60,000 00			Jackson.
	1838	50,000 00			Van Buren.
	1844	100,000 00			Tyler.
			280,000 00		
<b>No. 123.</b>					
Improving the Ohio River below the falls at Louisville, and the Mississippi, Missouri, and Arkansas Rivers.	1842	100,000 00			Tyler.
	1843	150,000 00			Tyler.
	1844	180,000 00			Tyler.
			430,000 00		
			\$1,698,000 00		
<b>No. 124.</b>					
Cumberland Road in Indiana.	1829	50,000 00		Indiana.	J. Q. Adams.
	1830	60,000 00			Jackson.
	1831	75,000 00			Jackson.
	1832	100,000 00			Jackson.
	1833	100,000 00			Jackson.
	1834	150,000 00			Jackson.
	1835	100,000 00			Jackson.
	1836	250,000 00			Jackson.
	1837	100,000 00			Jackson.
	1838	150,000 00			Van Buren.
			1,135,000 00		
<b>No. 125.</b>					
Improving the harbor of Michigan City, Ind.	1836	20,000 00			Jackson.
	1837	30,000 00			Jackson.
	1838	60,733 59			Van Buren.
	1844	25,000 00			Tyler.
			135,733 59		
			\$1,270,733 59		
<b>No. 126.</b>					
Cumberland Road in Illinois.	1830	40,000 00		Illinois.	Jackson.
	1831	66,000 00			Jackson.
	1832	70,000 00			Jackson.
	1833	70,000 00			Jackson.
	1834	100,000 00			Jackson.
	1836	150,000 00			Jackson.
	1837	100,000 00			Jackson.
	1838	150,000 00			Van Buren.
			746,000 00		
<b>No. 127.</b>					
Improving the harbor of Chicago, Illinois.	1833	25,000 00			Jackson.
	1834	32,801 00			Jackson.
	1835	32,800 00			Jackson.
	1836	32,000 00			Jackson.
	1837	40,000 00			Jackson.
	1838	30,000 00			Van Buren.
	1843	25,000 00			Tyler.
	1844	30,000 00			Tyler.
			247,601 00		
			\$993,601 00		

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
<b>No. 128.</b>					
Cumberland Road in Ohio.	1825	\$150,000 00		Ohio.	Monroe.
	1826	110,749 00			J. Q. Adams.
	1827	170,000 00			J. Q. Adams.
	1828	175,000 00			J. Q. Adams.
	1829	100,000 00			J. Q. Adams.
	1830	100,000 00			Jackson.
	1831	103,650 00			Jackson.
	1832	100,000 00			Jackson.
	1833	130,000 00			Jackson.
	1834	201,609 36			Jackson.
	1835	200,000 00			Jackson.
	1836	200,000 00			Jackson.
	1837	190,000 00			Jackson.
	1838	150,000 00			Van Buren.
<b>No. 129.</b>			\$2,081,008 36		
Road from the line established by the Treaty of Greenville to the North Bend, in the State of Ohio.	1812	800 00	800 00		Madison.
<b>No. 130.</b>					
Road from the Mississippi River to the Ohio.	1806	6,000 00	6,000 00		Jefferson.
<b>No. 131.</b>					
Improving the navigation of Huron River, Ohio.	1826	5,000 00			J. Q. Adams.
	1828	4,413 35			J. Q. Adams.
	1829	1,935 00			J. Q. Adams.
	1830	1,880 36			Jackson.
	1831	3,480 00			Jackson.
	1832	1,500 00			Jackson.
	1834	6,700 00			Jackson.
	1836	4,300 00			Jackson.
	1837	2,565 00			Jackson.
	1838	5,000 00			Van Buren.
	1844	5,000 00			Tyler.
			45,773 71		
<b>No. 132.</b>					
Improving the navigation of Black River, Ohio.	1828	7,500 00			J. Q. Adams.
	1830	8,559 77			Jackson.
	1831	9,275 00			Jackson.
	1832	8,000 00			Jackson.
	1833	2,400 00			Jackson.
	1834	5,000 00			Jackson.
	1835	4,400 00			Jackson.
	1836	6,600 00			Jackson.
	1837	6,110 00			Jackson.
	1838	5,000 00			Jackson.
			63,204 77		Van Buren.
<b>No. 133.</b>					
Improving the harbor of Cleveland, Ohio.	1827	10,000 00			J. Q. Adams.
	1829	12,179 00			J. Q. Adams.
	1830	17,865 56			Jackson.
	1831	3,670 00			Jackson.
	1832	6,600 00			Jackson.
	1834	13,315 00			Jackson.
	1836	15,006 59			Jackson.
	1837	10,000 00			Jackson.
	1838	51,856 00			Van Buren.
	1844	25,000 00			Tyler.
			149,413 15		
<b>No. 134.</b>					
Removing obstructions at the mouth of Grand River, Ohio.	1825	1,000 00			Monroe.
	1826	5,620 00			J. Q. Adams.
	1828	9,135 11			J. Q. Adams.
	1830	5,563 18			Jackson.
	1831	5,680 00			Jackson.
	1832	2,000 00			Jackson.
	1834	10,000 00			Jackson.
	1836	6,000 00			Jackson.
	1838	10,000 00			Van Buren.
	1844	10,000 00			Tyler.
			65,598 29		

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whose exp- enses.
No. 135.					
Removing obstructions at the mouth of Ashtabula Creek, Ohio.	1826	\$12,000 00	\$69,149 75	Ohio.	J. Q. Adams.
	1828	2,403 50			J. Q. Adams.
	1829	6,940 25			J. Q. Adams.
	1831	7,015 00			Jackson.
	1832	3,800 00			Jackson.
	1833	3,400 00			Jackson.
	1834	5,000 00			Jackson.
	1835	7,591 00			Jackson.
	1837	8,000 00			Jackson.
	1838	8,000 00			Van Buren.
	1844	5,000 00			Tyler.
No. 136.					
Improving the navigation of Conneaut Creek, Ohio.	1829	7,500 00	48,305 65		J. Q. Adams.
	1830	6,135 65			Jackson.
	1831	6,370 00			Jackson.
	1832	7,800 00			Jackson.
	1836	2,500 00			Jackson.
	1837	5,000 00			Jackson.
	1838	8,000 00			Van Buren.
	1844	5,000 00			Tyler.
No. 137.					
Improving the navigation of Cunningham Creek, Ohio.	1826	2,000 00	19,781 12		J. Q. Adams.
	1828	1,517 75			J. Q. Adams.
	1829	2,956 00			J. Q. Adams.
	1832	1,500 00			Jackson.
	1833	500 00			Jackson.
	1836	1,307 36			Jackson.
	1837	5,000 00			Jackson.
	1838	5,000 00			Van Buren.
No. 138.					
Improving the harbor of Sandusky City, Ohio.	1844	15,000 00	15,000 00		Tyler.
No. 139.					
Improving the harbor at the mouth of Vermilion River, Ohio.	1833	10,000 00	53,626 57		Jackson.
	1837	20,000 00			Jackson.
	1838	23,626 57			Van Buren.
			\$2,617,601 37		
No. 140.					
Constructing a pier at La Plaisance Bay, Michigan.	1827	3,977 81	19,603 07	Michigan.	J. Q. Adams.
	1829	2,318 60			J. Q. Adams.
	1830	89 11			Jackson.
	1832	8,000 00			Jackson.
	1834	4,895 00			Jackson.
	1836	323 15			Jackson.
No. 141.					
Improving the harbor at the mouth of River Raisin, Michigan.	1835	30,000 00	110,600 00		Jackson.
	1836	15,000 00			Jackson.
	1837	30,000 00			Jackson.
	1838	15,000 00			Van Buren.
	1844	20,000 00			Tyler.
No. 142.					
Improving the harbor of St. Joseph, Michigan.	1836	20,000 00	131,113 00		Jackson.
	1837	15,000 00			Jackson.
	1838	51,113 00			Van Buren.
	1843	25,000 00			Tyler.
	1844	20,000 00			Tyler.

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 143.					
Road from Detroit to Fort Gratiot, Michigan.	1829	\$15,000 00	\$48,000 00	Michigan.	J. Q. Adams.
	1830	7,000 00			Jackson.
	1831	8,000 00			Jackson.
	1832	15,000 00			Jackson.
	1835	3,000 00			Jackson.
No. 144.					
Road from Detroit to Grand River, Michigan.	1832	3,500 00	53,500 00		Jackson.
	1833	25,000 00			Jackson.
	1835	25,000 00			Jackson.
No. 145.					
Road from Detroit to Chicago, Michigan.	1827	20,000 00	87,000 00		J. Q. Adams.
	1828	8,000 00			J. Q. Adams.
	1829	8,000 00			J. Q. Adams.
	1830	8,000 00			Jackson.
	1831	10,000 00			Jackson.
	1832	15,000 00			Jackson.
	1833	8,000 00			Jackson.
	1835	10,000 00			Jackson.
No. 146.					
Road from Detroit to Saginaw Bay, Michigan.	1829	10,000 00	60,000 00		J. Q. Adams.
	1830	7,000 00			Jackson.
	1831	8,000 00			Jackson.
	1832	10,000 00			Jackson.
	1833	15,000 00			Jackson.
	1835	10,000 00			Jackson.
No. 147.					
Road from Sheldon's, on the Chicago Road, to St. Joseph's River, Michigan.	1834	20,000 00	20,000 00		Jackson.
No. 148.					
Road from Niles to the mouth of St. Joseph's River, Michigan.	1834	10,000 00	10,000 00		Jackson.
No. 149.					
Road from Clinton to the Rapids of Grand River, Michigan.	1834	8,000 00	8,000 00		Jackson.
No. 150.					
Road from La Plaisance Bay to the Chicago Road, Michigan.	1832	15,000 00	40,608 76		Jackson.
	1833	15,608 76			Jackson.
	1835	10,000 00			Jackson.
No. 151.					
Road from Port Lawrence to Adrian, Michigan.	1834	10,000 00	10,000 00		Jackson.
No. 152.					
Road from Vistula to Indiana State line, Michigan.	1834	10,000 00	10,000 00		Jackson.
No. 153.					
Road from the northwestern boundary of Ohio to Detroit, Michigan.	1824	20,000 00	20,000 00		Monroe.
No. 154.					
Road to connect the Detroit and River Basin with the Maumee and Sandusky Roads.	1827	12,000 00	12,000 00		J. Q. Adams.

Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom proposed.
No. 155.					
Road from Detroit to Maumee, Michigan.	1828	\$5,900 00	\$5,900 00	Michigan.	J. Q. Adams.
			\$645,724 83		
No. 156.					
Improving the harbor of Southport, W. T.	1844	12,500 00		Wisconsin Territory.	Tyler.
	1845	15,000 00	27,500 00		Tyler.
No. 157.					
Improving the harbor of Milwaukee, W. T.	1843	30,000 00			Tyler.
	1844	20,000 00	50,000 00		Tyler.
No. 158.					
Improving the harbor of Racine, W. T.	1844	12,500 00	12,500 00		Tyler.
No. 159.					
Building a pier at the northern extremity of Winnebago Lake.	1839	500 00	500 00		Van Buren.
No. 160.					
Road from Fort Howard to the northern boundary line of Illinois.	1838	15,000 00	15,000 00		Van Buren.
No. 161.					
Road from Milwaukee, by Madison, to the Mississippi River.	1838	10,000 00	10,000 00		Van Buren.
No. 162.					
Road from the northern line of Missouri to the Mississippi River.	1838	10,000 00	10,000 00		Van Buren.
No. 163.					
Road from Fort Crawford to Fort Howard, W. T.	1832	5,000 00			Jackson.
	1838	5,000 00			Van Buren.
	1845	2,000 00	12,000 00		Tyler.
No. 164.					
Road from Racine to Sinipee, W. T.	1839	10,000 00	10,000 00		Van Buren.
No. 165.					
Road from Sauk Harbor to Decorree, W. T.	1839	5,000 00	5,000 00		Van Buren.
No. 166.					
Road from Fond-du-Lac to Wisconsin River, W. T.	1839	5,000 00	5,000 00		Van Buren.
No. 167.					
Road from Southport to Beloit, W. T.	1845	5,000 00	5,000 00		Tyler.
No. 168.					
Road from Sheboygan to Fox River.	1845	3,000 00	3,000 00		Tyler.
No. 169.					
Road from Green Bay to Fort Winnebago.	1830	2,000 00	2,000 00		Jackson.
			\$167,500 00		



Designation of Works.	Year.	Amounts appropriated.	Total.	In what State expended.	By whom approved.
No. 170.					
Improving the harbor of Dubuque, Iowa.	1844	\$7,500 00	\$14,500 00	Iowa Territory.	Tyler.
	1845	7,000 00			Tyler.
No. 171.					
Road from Dubuque to the northern boundary of Missouri, Iowa.	1839	20,000 00	38,000 00		Van Buren.
	1844	10,000 00			Tyler.
	1845	8,000 00			Tyler.
No. 172.					
Road from Burlington to the Sac and Fox Agency, Iowa.	1839	5,000 00	15,000 00		Van Buren.
	1844	5,000 00			Tyler.
	1845	5,000 00			Tyler.
No. 173.					
Road from Burlington, Iowa, to De Hagues, Illinois.	1839	2,500 00	2,500 00		Van Buren.
No. 174.					
Road from the Mississippi Bluffs, opposite Bloomington, to Iowa City.	1845	5,000 00	5,000 00		Tyler.
			\$75,000 00		

*Recapitulation.*

States and Territories.	Amount.	States and Territories.	Amount.
Maine .....	\$ 276,574 72	Alabama .....	\$204,997 60
New Hampshire .....	10 000 00	Mississippi .....	46,500 00
Massachusetts .....	526,148 22	Louisiana .....	717,900 00
Vermont .....	101,000 00	Texas .....	11,000 00
Rhode Island .....	32,000 00	Kentucky and Tennessee .....	155,000 00
Connecticut .....	160,407 26	Arkansas .....	480,000 00
New York .....	1,632,115 80	Missouri and Arkansas .....	100 000 00
New Jersey .....	28,963 00	Missouri .....	75,000 00
Pennsylvania .....	267,981 22	States and Territories Western	
Pennsylvania and Delaware .....	38,413 00	Rivers pass (the Ohio, Missis-	
Delaware .....	2,038,356 00	sippi, Missouri, and Arkansas)	1,698,000 00
Maryland, Pennsylvania, and Vir-	1,901,227 81	Indiana .....	1,270,733 50
ginia .....		Illinois .....	993,601 00
Maryland .....	75,000 00	Ohio .....	2,617,661 37
Virginia .....	2,000 00	Michigan .....	645,724 82
North Carolina .....	370,377 00	Wisconsin Territory .....	167,500 00
Georgia .....	243,043 06	Iowa Territory .....	75,000 00
Florida .....	255,112 72	Total .....	\$17,199,223 21

*Amounts appropriated in each Year.*

Year.	Amount.	Year.	Amount.
1806 .....	\$48,400 00	1841 .....	\$926,311 84
1807 .....	60,000 00	1842 .....	1,225,008 43
1808 .....	50,000 00	1843 .....	1,169,454 82
1809 .....	30,800 00	1844 .....	1,641,621 52
1810 .....	100,000 00	1845 .....	1,352,243 61
1811 .....	10,000 00	1846 .....	1,837,520 31
1812 .....	1,000 00	1847 .....	1,768,248 63
1813 .....	317,989 63	1848 .....	2,087,044 16
1814 .....	32,920 00	1849 .....	60,500 00
1815 .....	175,000 00	1850 .....	75,000 00
1816 .....	176,712 00	1851 .....	100,000 00
1817 .....	284,253 00	1852 .....	230,000 00
1818 .....	398,541 45	1853 .....	600,000 00
1819 .....	1,020,120 56	1854 .....	50,000 00
1820 .....	608,560 25		
1821 .....	672,506 03	Total .....	\$17,199,223 21

\* The Appropriation Law of 1838 directed that but a portion (not exceeding one half) of the amounts appropriated should be expended in that year.

It will be seen that the earliest appropriation noted in this statement is that of thirty thousand dollars toward the construction of the Cumberland Road, originated in the year 1806, under the administration of Mr. Jefferson, by whom the bill was signed. Bills making large appropriations for this road were signed by all the presidents from that time to the year 1838, since which period all appropriations for it have ceased.

It has become common to invoke the authority of Mr. Jefferson's name in endorsement or approval of a project, started during his term of service, for the construction of a road from Washington to New Orleans. The record, we think, will not sustain the claim. He responded promptly to a call made upon him by the House of Representatives for any documents or other information he might think proper to furnish, but we have not been able to lay our hand upon any recommendation of the project by him, or upon any distinct expression of his opinion concerning it.

For a long series of years subsequent to the organization of the present government, little or no necessity existed for appropriations for rivers and harbors beyond the coast. At the time the Constitution was framed, it has been truly said, a very small portion of our population had passed the Alleghany Mountains into the Valley of the Mississippi, and none had reached the St. Lawrence and its lakes. There was not a single state situated wholly within the Valley. Indeed, the greater part, including the whole of its right bank, and all on both banks below the thirty-first parallel, belonged to Spain, who claimed the exclusive right to navigate the river to the south of it, and a right in common with us to the residue.

But as the Western country became known, as its growth expanded and its population multiplied, the necessity for harbors, as well on the Western rivers and lakes as on the Atlantic board, became manifest, and the facilities for rendering navigation "easy and safe" were accordingly extended and increased. But it may be safely asserted, that so far from going beyond, or even equaling, the actual wants and necessities of the country, the aid bestowed had rather fallen below than been co-extensive with them. Much, however, has been done. The harbor of Erie, for example, is now one of the finest on the lake of that name, with a capacity equal to the accommodation of

vessels of any size ; but the following anecdote, related by Mr. McClelland, will illustrate what it was during the last war :

“ For a considerable time the British had the entire control of Lake Erie, and annoyed our citizens, ravaged the country, destroyed our property, and retarded the progress of the American arms. Captain Perry fitted up a fleet in the harbor of Erie for the purpose of checking the enemy and recovering the control of the lake. The British fleet, under the command of Captain Barclay, was on the alert, and kept a constant watch on his movements. There was a bar some distance outside of the harbor, which prevented Captain Perry from getting out into the lake the brig ‘Lawrence,’ one of his largest vessels ; and it would have been exceedingly dangerous for the American fleet to have passed out in the face of the enemy, because this vessel could not sail over the bar with her guns on board, and the whole must necessarily be exposed, in the mean time, to the fire of the enemy. Most fortunately, Captain Barclay (as it is said) accepted an invitation to dine on Sunday with a friend on the Canadian shore. While his vessels were under this coast, the lake became smooth, and the bar passable. Captain Perry seized the precious moment, and effected his purpose by towing the ‘Lawrence’ to the point where the deepest water was known to be. Her guns were taken out and landed on the beach, and the brig, thus lightened, was, by the aid of scows and other appliances, lifted over the bar, and her guns hoisted in. In the interval, the enemy reappeared, but, after reconnoitering for some time, departed ; and, in a few days after, Perry gained his splendid victory, and accomplished the object he had most at heart. The glorious consequences flowing from this event are so well known that they need not be narrated.”

Other harbors, scarcely, perhaps, less important in a prospective view, have not received aid commensurate with that bestowed on the harbor of Erie.

Before proceeding further, let us inquire what the extent of the Lake coast and Western rivers now is. Colonel Abert, in a report submitted to the Senate at the first session of the thirtieth Congress, thus states the first :

## LAKE COAST.

“The great lakes of our country, which may justly be considered inland seas, and to which the inland commerce described in this report relates, are the following: Champlain, Ontario, Erie, St. Clair, Huron, Michigan, Superior. These lakes are of great depth as well as of great extent. The entire line of Lake coast embraces about 5000 miles, 2000 miles of which constitute the coast of a foreign power :

Lake Champlain is.....	105 miles long.
Its greatest width.....	12 miles.
Its average width.....	8 miles.
Lake Ontario is.....	180 miles long.
Its greatest width.....	52 miles.
Its average width.....	40 miles.
Lake Erie is.....	240 miles long.
Its greatest width.....	57 miles.
Its average width.....	38 miles.
Lake St. Clair is.....	18 miles long.
Its greatest width.....	25 miles.
Its average width.....	12 miles.
Lake Huron is.....	270 miles long.
Its greatest width (not including the extensive bay of Georgian, itself 120 miles long, and averaging 45 wide) is.....	105 miles.
Its average width.....	70 miles.
Lake Michigan is.....	340 miles long
Its greatest width.....	83 miles.
Its average width.....	58 miles.
Lake Superior is.....	420 miles long.
Its greatest width.....	135 miles.
Its average width.....	100 miles.

“These lakes may be considered as connected throughout their whole extent. Lake Champlain connects with Lake Ontario by means of the River Richelieu; the lock and dam navigation of St. Lawrence River; the Ottawa River; the Rideau Canal through Canada; and the Champlain and Erie Canals of New York. Lake Ontario is connected with Lake Erie by means of the Welland Canal through Canada, and by means of the Oswego and Erie Canals through the State of New York. Lake Erie is connected with Lake St. Clair by the deep and navigable Strait of Detroit, 25 miles long. Lake St. Clair is connected with Lake Huron by the deep and navigable Strait of St. Clair, 32 miles long. Lake Huron is connected with Lake Michigan by the deep and wide Strait of Mackinaw, and with Lake Superior by the Strait of St. Mary’s, 46 miles long.”

The extent of the navigable rivers of the West we are enabled to state from the following table, furnished by Lieutenant-colonel S. H. Long, of the Corps of Topographical Engineers:

### WESTERN RIVERS.

*Probable Extent of Steam Navigation on the Western Waters, including the Rivers, Bayous, &c., connected with the Mississippi by Channels navigable for Steamers.*

#### MISSISSIPPI AND ITS BRANCHES, BAYOUS, &c.

Mississippi proper	2,000 miles.	Spring	50 miles.
St. Croix	80 "	Arkansas	600 "
St. Peter's	120 "	Canadian	60 "
Chippeway	70 "	Neosho	60 "
Black	60 "	Yazoo	300 "
Wisconsin	180 "	Tallahatchee	300 "
Rock	250 "	Yalobusha	130 "
Iowa	110 "	Big Sunflower	80 "
Cedar	60 "	Little Sunflower	70 "
Des Moines	250 "	Big Black	150 "
Illinois	245 "	Bayou De Glaze	90 "
Maremece	60 "	Bayou Care	140 "
Kaskaskia	150 "	Bayou Rouge	40 "
Big Muddy	5 "	Bayou La Fourche	60 "
Obion	60 "	Bayou Plaquemine	12 "
Forked Deer	195 "	Bayou Teche	96 "
Big Hutchee	75 "	Grand River	12 "
St. Francis	300 "	Bayou Sorrele	12 "
White	500 "	Bayou Chien	5 "
Black	60 "		

#### MISSOURI AND BRANCHES

Missouri proper	1,800 miles.	Kansas	150 miles.
Yellow Stone	500 "	Osage	275 "
Platte River	40 "	Grand	90 "

#### OHIO AND BRANCHES.

Ohio proper	1,000 miles.	Kentucky	62 miles.
Alleghany	200 "	Salt River	35 "
Monongahela	60 "	Green	150 "
Muskingum	70 "	Barren	30 "
Kenawha	65 "	Wabash	400 "
Big Sandy	50 "	Cumberland	400 "
Scioto	50 "	Tennessee	720 "

#### RED RIVER AND ITS BRANCHES, BAYOUS, &c.

Red River proper	1,500 miles.	Lake Bistenaw	60 miles.
Wachita	375 "	Lake Caddo	75 "
Saline	100 "	Sulphur Fork	100 "
Little Missouri	50 "	Little River	65 "
Bayou De Arbonne	60 "	Kiamichi	40 "
Bayou Bartholomew	150 "	Boggy	40 "
Bayou Bonf	150 "	Bayou Pierre	150 "
Bayou Macon	175 "	Atchafalaya	360 "
Bayou Louis	30 "		
Texas River	150 "		16,674 "



In his annual message at the opening of the second session of the ninth Congress, Mr. Jefferson holds this language on the general subject :

“The question, therefore, now comes forward, To what other objects shall these surpluses be appropriated, and the whole surplus of impost after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost, and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression, in due season, will doubtless be right; but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations, new channels of communication will be opened between the states; the lines of separation will disappear; their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care; not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those branches which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the state Legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the Constitution, by consent of the states, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.”

Again, in his last annual message in 1808, Mr. Jefferson says :

“The probable accumulation of the surpluses of revenue be-

yond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced, or shall it not rather be appropriated to the improvement of roads, canals, rivers, education, and other great foundations of prosperity and union under the powers which Congress may already possess, or such amendment of the Constitution as may be approved by the States? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement, should that be thought best."

We have shown that, before expressing the views contained in either of these extracts, Mr. Jefferson had signed the Cumberland Road Bill.

The following letter, with the accompanying protest, bears date, the reader will perceive, about a year and a half after the passage of the bill, signed by Mr. Monroe, "to procure the necessary surveys, plans, and estimates upon the subject of roads and canals." [See page 178.] It is inserted here, out of the regular order of dates, because it illustrates the views of Mr. Jefferson at the time it was written, and forms an important item in the history of the subject. As a general rule, we do not cite the *opinions* of the presidents otherwise than as they were *official*, because we regard the latter as the best, if not the only standard by which the history of the question, so far as it relates to the executive branch of the government, can be fairly written.

*"To James Madison.*

"MONTICELLO, December 24, 1825.

"DEAR SIR,—I have for some time considered the question of internal improvements as desperate. The torrent of general opinion sets so strongly in favor of it as to be irresistible. And I suppose that even the opposition in Congress will hereafter be feeble and formal, unless something can be done which may give a gleam of encouragement to our friends, or alarm their opponents in their fancied security.

"I learn from Richmond that those who think with us there are in a state of perfect dismay, not knowing what to do or

what to propose. Mr. Gordon, our representative, particularly, has written to me in very desponding terms, not disposed to yield, indeed, but pressing for opinions and advice on the subject.

"I have no doubt you are pressed in the same way, and I hope you have devised and recommended something to them. If you have, stop here and read no more, but consider all that follows as *non avenue*.

"I shall be better satisfied to adopt implicitly any thing which you may have advised, than any thing occurring to myself; for I have long ceased to think on subjects of this kind, and pay little attention to public proceedings. But if you have done nothing in it, then I risk for your consideration what has occurred to me, and is expressed in the inclosed paper.

"Bailey's propositions, which came to hand since I wrote the paper, and which I suppose to have come from the President himself, show a little hesitation in the purposes of his party; and in that state of mind, a bolt shot critically may decide the contest by its effect on the less bold. The olive-branch held out to them at this moment may be accepted, and the Constitution thus saved at a moderate sacrifice.

"I say nothing of the paper, which will explain itself. The following heads of considerations, or some of them, may weigh in its favor. It may intimidate the wavering. It may break the Western coalition, by offering the same thing in a different form. It will be viewed with favor in contrast with the Georgia opposition, and fear of strengthening that. It will be an example of a temperate mode of opposition in future and similar cases. It will delay the measure a year at least. It will give us the chance of better times and of intervening accidents, and in no way place us in a worse than our present situation. I do not dwell on these topics; your mind will develop them.

"The first question is, whether you approve of doing any thing of the kind. If not, send it back to me, and it shall be suppressed; for I would not hazard so important a measure against your opinion, nor even without its support. If you think it may be a canvass on which to put something good, make what alterations you please, and I will forward it to Gordon, under the most sacred injunctions that it shall be so used as that not a shadow of suspicion shall fall on you or myself that it has come from either of us. But what you do, do

as promptly as your convenience will admit, lest it should be anticipated by something worse.

“Ever and affectionately yours,

“THOMAS JEFFERSON.”

“*The Solemn Declaration and Protest of the Commonwealth of Virginia, on the Principles of the Constitution of the United States of America, and on the Violations of them.*

“We, the General Assembly of Virginia, on behalf and in the name of the people thereof, do declare as follows :

“The states in North America which confederated to establish their independence from the government of Great Britain, of which Virginia was one, became, on that acquisition, free and independent states, and, as such, authorized to constitute governments, each for itself, in such form as it thought best.

“They entered into a compact (which is called the Constitution of the United States of America), by which they agreed to unite in a single government as to their relations with each other and with foreign nations, and as to certain other articles particularly specified. They retained at the same time, each to itself, the other rights of independent government, comprehending mainly their domestic interests.

“For the administration of their federal branch, they agreed to appoint, in conjunction, a distinct set of functionaries, legislative, executive, and judiciary, in the manner settled in that compact ; while to each, severally and of course, remained its original right of appointing, each for itself, a separate set of functionaries, legislative, executive, and judiciary ; also for administering the domestic branch of their respective governments.

“These two sets of officers, each independent of the other, constitute thus a *whole* of government for each state separately ; the powers ascribed to the one, as specifically made federal, exercised over the whole ; the residuary powers, retained to the other, exercisable exclusively over its particular state, foreign herein, each to the others, as they were before the original compact.

“To this construction of government and distribution of its powers the Commonwealth of Virginia does religiously and affectionately adhere, opposing with equal fidelity and firmness the usurpation of either set of functionaries on the rightful powers of the other.



“But the federal branch has assumed in some cases, and claimed in others, a right of enlarging its own powers by constructions, inferences, and indefinite deductions from those directly given, which this Assembly does declare to be usurpations of the powers retained to the independent branches, mere interpolations with the compact, and direct infractions of it

“They claim, for example, and have commenced the exercise of a right to construct roads, open canals, and effect other internal improvements within the territories and jurisdictions exclusively belonging to the several states, which this Assembly does declare has not been given to that branch by the constitutional compact, but remains to each state among its domestic and unalienated powers, exercisable within itself and by its domestic authorities alone.

“This Assembly does further disavow, and declare to be most false and unfounded, the doctrine, that the compact, in authorizing its federal branch to lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States, has given them thereby a power to do whatever *they* may think, or pretend would promote the general welfare, which construction would make that, of itself, a complete government without limitation of powers; but that the plain sense and obvious meaning were, that they might levy the taxes necessary to provide for the general welfare by the various acts of power therein specified and delegated to them, and by no others.

“Nor is it admitted, as has been said, that the people of these states, by not investing their federal branch with all the means of bettering their condition, have denied to themselves any which may effect that purpose, since, in the distribution of these means, they have given to that branch those which belong to its department, and to the states have reserved separately the residue which belong to them separately; and thus, by the organization of the two branches taken together, have completely secured the first object of human association, the full improvement of their condition, and reserved to themselves all the faculties of multiplying their own blessings.

“While the General Assembly thus declares the rights retained by the states—rights which they have never yielded, and which this state will never voluntarily yield—they do not mean



to raise the banner of disaffection, or of separation from their sister states, co-parties with themselves to this compact. They know and value too highly the blessings of their Union, as to foreign nations and questions arising among themselves, to consider every infraction as to be met by actual resistance. They respect too affectionately the opinions of those possessing the same rights, under the same instrument, to make every difference of construction a ground of immediate rupture.

“They would indeed consider such a rupture as among the greatest calamities which could befall them, but not the greatest. There is yet one greater: submission to a government of unlimited powers. It is only when the hope of avoiding this shall become absolutely desperate, that further forbearance could not be indulged.

“Should a majority of the co-parties, therefore, contrary to the expectation and hope of this Assembly, prefer at this time acquiescence in these assumptions of power by the federal member of the government, we will be patient and suffer much, under the confidence that time, ere it be too late, will prove to them also the bitter consequences in which that usurpation will involve us all.

“In the mean while, we will breast with them, rather than separate from them, every misfortune, save that only of living under a government of unlimited powers. We owe every other sacrifice to ourselves, to our federal brethren, and to the world at large, to pursue with temper and perseverance the great experiment which shall prove that man is capable of living in society, governing itself by laws self-imposed, and securing to its members the enjoyment of life, liberty, property, and peace; and further to show, that even when the government of its choice shall manifest a tendency to degeneracy, we are not at once to despair but that the will and the watchfulness of its sounder parts will reform its aberrations, recall it to original and legitimate principles, and restrain it within the rightful limits of self-government. And these are the objects of this Declaration and Protest.

“Supposing, then, that it might be for the good of the whole, as some of its co-states seem to think, that the power of making roads and canals should be added to those directly given to the federal branch, as more likely to be systematically and ben-

officially directed than by the independent action of the several states, this Commonwealth, from respect to these opinions, and a desire of conciliation with its co-states, will consent, in concurrence with them, to make this addition, provided it be done regularly by an amendment of the compact, in the way established by that instrument, and provided, also, it be sufficiently guarded against abuses, compromises, and corrupt practices, not only of possible, but of probable occurrence.

“And as a further pledge of the sincere and cordial attachment of this Commonwealth to the union of the whole, so far as has been consented to by the compact called the ‘The Constitution of the United States of America’ (construed according to the plain and ordinary meaning of its language, to the common intendment of the time, and of those who framed it), to give, also, to all parties and authorities time for reflection and for consideration, whether, under a temperate view of the possible consequences, and especially of the constant obstructions which an equivocal majority must ever expect to meet, they will still prefer the assumption of this power rather than its acceptance from the free will of their constituents; and to preserve peace in the mean while, we proceed to make it the duty of our citizens, until the Legislature shall otherwise and ultimately decide, to acquiesce under those acts of the federal branch of our government which we have declared to be usurpation, and against which, in point of right, we do protest as null and void, and never to be quoted as precedents of rights.

“We therefore do enact, and be it enacted by the General Assembly of Virginia, that all citizens of this Commonwealth, and persons and authorities within the same, shall pay full obedience at all times to the acts which may be passed by the Congress of the United States, the object of which shall be the construction of post-roads, making canals of navigation, and maintaining the same in any part of the United States in like manner as if the said acts were, *totidem verbis*, passed by the Legislature of this Commonwealth.”

It is not generally known that the paternity of the system of internal improvements is claimed in behalf of the great statesman and patriot but recently departed from among us, John Quincy Adams. The Rev. William P. Lunt, in a discourse

delivered at Quincy, Massachusetts, upon the interment of that venerable man, says :

“ In a letter to a friend, under date of February 2, 1837, Mr. Adams, alluding to the time when he held the office of President of the United States, says :

“ ‘The great effort of my administration was to mature into a permanent and regular system the application of all the superfluous revenue of the Union to internal improvement—improvement which, at this day, would have afforded high wages and constant employment to hundreds of thousands of laborers, and in which every dollar expended would have repaid itself fourfold in the enhanced value of the public lands. With this system, in ten years from this day, the surface of the whole Union would have been checkered over with rail-roads and canals. It may still be done, half a century later, and with the limping gait of state legislation and private adventure. I would have done it in the administration of the affairs of the nation. I had laid the foundation of it all by a resolution offered to the Senate of the United States in 1806,\* and adopted by that body *under another’s name* (the journals of the Senate are by vouchers). It called forth the first report of Albert Gallatin, then Secretary of the Treasury, upon internal improvement.’ ”—*Mr. Adams’s Administration*, p. 27.

We turn now to the journals of the Senate. On the 12th of January, 1807, Mr. Clay, then a member of that body, introduced the following resolution :

“ *Resolved*, That it is expedient and proper to appropriate a quantity of land, not exceeding — acres, at a fair cash valuation, toward the opening of the canal proposed to be cut at the Rapids of the Ohio, on the Kentucky shore.”

On the 14th of January the Senate took up the resolution, and referred the subject to a committee composed of Messrs. Clay, Giles, and Baldwin.

On the 24th of February, the committee, through Mr. Clay, made a report, which, on the 26th of the same month, the Senate took up for consideration.

The report says :

“ How far it is the policy of the government to aid in works of this kind, when it has no direct interest ; whether indeed, in

\* This date should clearly be 1807.

such a case, it has the constitutional power of patronage and encouragement, it is not necessary to be decided in the present instance. Being the proprietor of land bordering upon the Ohio to a greater extent than any individual state; owning, too, an invaluable saline near the Wabash, there can be no doubt that both policy and power combine in favor of promoting an undertaking by which its property is to be incidentally benefited. If the value and price of land depend as well upon the facility with which its products find a market as upon its capacity to produce, there can be no doubt that the public lands will be increased in value by improvements in the navigation of those streams which water them. The saline alluded to will have its market enlarged by the opening of the proposed canal, and those above the Rapids, as well as those below, may in time count upon it as one of the sources from whence salt may be obtained.

“But, as some contrariety of opinion has existed in relation to the preferable side of the Ohio for the canal; as the information upon which your committee has on this subject acted is rather of an *ex parte* character; and as any aid this government may think proper to give ought only to be afforded after the most impartial and thorough investigation of the subject, they beg leave to recommend the following resolution:

“*Resolved*, That the President be authorized to appoint three commissioners for the purpose of examining the Rapids of the Ohio, to ascertain whether a canal to avoid them is practicable, and which side of the river presents the greatest advantages for its accomplishment; and also whether the bed of the river is capable of being so cleared out as to admit of ascending and descending navigation, and the relative importance of a sluice and canal.”

The report was agreed to, and a committee, consisting of Messrs. Clay, Thurston, and Giles, was appointed to bring in a bill accordingly. This was done, and, on the 28th of February, the Senate passed the bill by the following vote:

Yeas: Messrs. Bayard, Clay, Gaillard, Gilman, Hillhouse, Maclay, Milledge, Mitchell, Moore, Pickering, Plumer, Reed, Smith of Maryland, Smith of Ohio, Smith of Tennessee, Thurston, White, and Worthington—18.

Nays: Messrs. J. Q. Adams, Condit, Howland, Kitchel, Smith of New York, Smith of Vermont, Tracy, and Turner—8.

When the bill was sent to the House, it was postponed in-



definitely by that body, but the object contemplated by it was finally accomplished by the construction of a canal around the Falls of the Ohio at Louisville. This work has been one of the objects against which the attacks of the opponents of a system of internal improvement have been most especially directed.

On the 25th of February, 1807, Mr. Worthington, senator from Ohio, offered the following resolution :

*“Resolved, That the Secretary of the Treasury be directed to report to the Senate, at their next session, the best information he can acquire as to the usefulness, the practicability, and probable expense of the canal contemplated between the waters of the Chesapeake and Delaware, from Elk River to Christiana Creek, with his own opinion and reasons thereon, and a plan or plans for the application of such means as may be most convenient to the government, and within the power of Congress, to aid in carrying into execution the same ; and whether the route adopted by the Chesapeake and Delaware Canal Company be the most eligible communication between the waters of the bays ; and likewise his opinion generally on the practicability of an inland navigation between the southern and northern extremities of the United States.”*

On the following day Mr. Worthington offered another resolution, in these words :

*“Resolved, That the Secretary of the Treasury be directed to report to the Senate, at their next session, the best information he can acquire as to the practicability and probable expense of forming a turnpike road throughout the United States, commencing at the City of Washington, and running each way toward the northeastern and southwestern extremities of the Union, together with his opinion as to the most suitable route for the same, and a plan or plans for the application of such means as may be most convenient for the government, and within the power of Congress, to aid in carrying the same into execution.”*

On the 28th of the same month, Mr. Worthington withdrew these two resolutions, and substituted, in lieu thereof, the following comprehensive proposition (being that alluded to by John Quincy Adams in the extract we have quoted) :

*“Resolved, That the Secretary of the Treasury be directed to prepare and report to the Senate, at their next session, a plan*



for the application of such means as are within the power of Congress to the purposes of opening roads and making canals, together with a statement of the undertakings of that nature which, as objects of public improvement, may require and deserve the aid of government; and also a statement of works of the nature mentioned which have been commenced, the progress which has been made in them, and the means and prospect of their being completed, and all such information as, in the opinion of the secretary, shall be material in relation to the objects of this resolution."

On the second of the ensuing month of March, this resolution was adopted by the following vote:

Yeas: Messrs. Adams, Clay, Giles, Hillhouse, Howland, Kitchel, Logan, Milledge, Mitchell, Moore, Pickering, Plumer, Read, Smith of Maryland, Smith of New York, Smith of Tennessee, Smith of Vermont, Sumter, Tracy, Turner, White, and Worthington—22.

Nays: Messrs. Condit of New Jersey, Fenner of Rhode Island, and Gilman of New Hampshire—3.

It is worthy of remark, that the only senators whose names are found recorded against this resolution were those of gentlemen representing Northern or Eastern states.

On the fourth of April, 1808, Albert Gallatin, then Secretary of the Treasury, made a very able and elaborate report in answer to this resolution. It covers, with the documents which accompany it, nearly two hundred pages of the "American State Papers." In this report Mr. Gallatin says:

"The early and efficient aid of the federal government is recommended by still more important considerations. The inconveniences, complaints, and perhaps dangers which may result from a vast extent of territory, can no otherwise be radically removed or prevented than by opening speedy and easy communications through all its parts. Good roads and canals will shorten distances, facilitate commercial and personal intercourse, and unite, by a still more intimate community of interests, the most remote quarters of the United States. No other single operation within the power of government can more effectually tend to strengthen and perpetuate that union which secures external independence, domestic peace, and internal liberty."

The various improvements suggested in this report are thus recapitulated:

"I. From north to south, in a direction paralled to the sea-coast:	
"1. Canals opening an inland navigation for sea-vessels from Massachusetts to North Carolina, being more than two thirds of the Atlantic sea-coast of the United States, and across all the principal capes, Cape Fear excepted (expense).....	\$3,000,000
"2. A great turnpike road from Maine to Georgia, along the whole extent of the Atlantic sea-coast.....	4,800,000
"II. From east to west, forming communications across the mountains and between the Atlantic and Western rivers:	
"1. Improvement of the navigation of four great Atlantic rivers, including canals parallel to them.....	\$1,500,000
"2. Four first-rate turnpike roads from these rivers across the mountains to the four corresponding Western rivers.....	\$2,800,000
"3. Canal around the Falls of the Ohio.....	300,000
"4. Improvement of roads to Detroit, St. Louis, and New Orleans	200,000
"III. In a northern and northwesterly direction, forming inland navigations between the Atlantic sea-coast, and the great lakes and the St. Lawrence:	
"1. Inland navigation between the North River and Lake Champlain.....	\$800,000
"2. Great inland navigation opened the whole way by canals from the North River to Lake Ontario.....	2,200,000
"3. Canal around the Falls and Rapids of Niagara, opening a sloop navigation from Lake Ontario to the upper lakes as far as the extremities of Lake Michigan.....	1,000,000
Making together.....	\$16,600,000

The report then suggests, that as those parts of the Atlantic states through which the great Western and Northwestern communications would be carried must receive greater benefit than the Eastern and perhaps Southern states, a number of local improvements, sufficient to equalize the advantages, should be undertaken in districts less immediately interested in those inland communications. The additional sum requisite for that object is set down, in round numbers, at \$3,400,000, making a grand aggregate of \$20,000,000.

To pay this sum, it is intimated that two millions of dollars might annually, in time of peace, and for the period of ten years, be supplied by the existing revenues and resources of the country.

In conclusion, the report says:

"In the selection of the objects submitted in obedience to the order of the Senate, as claiming, in the first instance, the aid of the general government, general privileges have been adhered to as best calculated to suppress every bias of partiality to particular objects. Yet some such bias, of which no individual is perfectly free, may, without being felt, have operated on this report. The national Legislature alone, embracing every lo-

cal interest, and superior to every local consideration, is competent to the selection of such national objects."

Referring to this report of Mr. Gallatin's, Mr. Wilson, in a report made to the House on the 8th of February, 1817, on so much of the President's annual message of 4th December, 1816 (hereafter quoted), as related to roads and canals, holds the following language :

"This report attracted much attention, and the subject-matter of it has appeared to receive the decided approbation of the citizens of the United States ever since. The execution of this plan would probably have been commenced long before this time, had not extraordinary difficulties in our foreign relations, and consequent war with Great Britain intervened. Since the termination of the war, the necessary attention of the government to other objects sufficiently accounts for the continued suspension of the plan of improvement recommended at that time. But these causes of suspension having now ceased, it may reasonably be expected again to attract a due share of the public attention."

Subsequent to the year 1808, reports have been made from time to time in both houses recommending some system of internal improvement, and looking to the creation of a specific fund adequate thereto, and bills having the accomplishment of these objects in view have been introduced. These reports embody almost all the information which could, at the time they were made, be desired concerning the general utility and national importance of such a system. It is not necessary for us to go into detail, except in cases where important public principles have been declared or voted upon. The condition of the public finances and the unsettled state of our foreign relations appear to have operated for a number of years after 1808 as a barrier to the co-operation of the government in any plan of the kind.

Mr. Madison, in a special message to Congress, communicated on the 23d of December, 1811, transmitting copies of an act of the Legislature of New York relating to a canal from the great lakes to the Hudson River, holds this language :

"The utility of canal navigation is universally admitted. It is no less certain that scarcely any country offers more extensive opportunities for that branch of improvements than the

United States, and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the State of New York, which marks an honorable spirit of enterprise, and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration whatever steps may be proper on their part toward its introduction and accomplishment. As some of these advantages have an intimate connection with the arrangements and exertions for the general security, it is at a period calling for these that the merits of such a system will be seen in the strongest lights."

In his seventh annual message he makes these suggestions :

"Among the measures of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none the utility of which is more universally ascertained and acknowledged—none that do more honor to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where Nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding more closely together the various parts of our extended confederacy. While the states individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the general government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. *And it is a happy reflection, that any defect of constitutional authority which may be encountered can be supplied in a mode which the Constitution itself has providently pointed out.*"

In his last annual message he thus speaks :



"I particularly invite, again, their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of prosperity."

Mr. Madison vetoed the bill "to set apart and pledge certain funds for internal improvement." As the veto upon this bill has been made the subject of constant allusion, it being alleged on one side, and denied on the other, that the principle of the measure was essentially different from that involved in bills which have more recently fallen under executive condemnation, we shall state the facts minutely.

The bill was in the following words:

*"An Act to set apart and pledge certain Funds for Internal Improvement.*

"1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum to be paid to the United States by the twentieth section of the 'Act to Incorporate the Subscribers to the Bank of the United States,' and the dividends which shall arise from their shares in its capital stock during the present term of twenty years, for which the proprietors thereof have been incorporated, be, and the same are hereby set apart and pledged as a fund for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several states, and to render more easy and less expensive the means and provision necessary for their common defense.

"2. *And be it further enacted,* That the moneys constituting the said fund shall from time to time be applied in constructing, or to aid in constructing, such roads or canals, or in improving the navigation of such water-courses, or both, in each state, as Congress, with the assent of such state, shall by law direct, and in the manner most conducive to the general welfare; and the proportion of the said moneys to be expended on the objects aforesaid in each state shall be in the ratio of its representation, at the time of the apportionment hereinafter provided, in the most numerous branch of the national Legislature: *Provided,* That the proportion of said fund to be assigned to any state, or any part thereof, may, by the assent of such state, be applied to the purposes aforesaid in any other state.

"3. *And be it further enacted,* That the said fund be put under the care of the Secretary of the Treasury for the time being, and that it shall be his duty to apportion and divide the said fund, as it annually accrues, among the several states now existing, and such as may hereafter be admitted into the Union, according to the then existing ratio of representation, as before directed; and to invest the same, as apportioned and divided, in the funded debt of the United States, in the names of the respective states; and the funded debt, so set apart in the names of the respective states, shall be applied to the aforesaid objects, under the concurrent direction of Congress and the Legislature of the state interested; and he shall also lay before Congress, at their annual session, the condition of the said fund.



"4. *And be it further enacted*, That it shall also be the duty of the said secretary, unless otherwise directed, to vest the sum to be paid to the United States by the twentieth section of the act to incorporate the Bank of the United States, as it may fall due, in the stock of the United States; and also to lay before Congress, at their annual session, the condition of said fund."

The history of the bill merits some attention. On the sixteenth day of December, 1816, John C. Calhoun, of South Carolina, introduced into the House of Representatives, of which he was then a member, a resolution, which was adopted, directing that a committee be appointed to inquire into the expediency of setting apart the *bonus*, and the net annual profits of the national bank, as a permanent fund for internal improvement. This committee was composed of Mr. Calhoun, chairman, Messrs. Sheffield, Creighton, Grosvenor, and Ingham.

On the twenty-third of the same month, Mr. Calhoun, from that committee, reported a bill to set apart and pledge, as a permanent fund for internal improvements, the *bonus* of the national bank and the United States' share of its dividends, which was read twice and committed to the Committee of the Whole on the State of the Union. It was there considered—only on one day, as appears by the journal—and was amended in some particulars. When the amendments thus made were under consideration in the House, the journal says:

"Mr. Pickering then moved to strike out all the first section of the bill after the enacting clause, and insert,

"That the *bonus* secured to the United States by the act to incorporate the subscribers to the Bank of the United States, and the dividends which shall arise from their shares in its capital stock during the present term of twenty years, for which the proprietors thereof have been incorporated, be, and the same are hereby set apart and pledged as a fund for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several states, and to render more easy and less expensive the means and provision necessary for their common defense.

"2. *And be it further enacted*, That the moneys constituting the said fund shall from time to time be applied in constructing, or to aid in constructing, such roads or canals, or improving the navigation of such water-courses, or both, in each state, as Congress, *with the assent of such state*, shall by law direct,

and in the manner most conducive to the general welfare; and the proportion of the said moneys to be expended on the objects aforesaid in each state shall be in the ratio of its representation, at the time of such expenditure, in the most numerous branch of the national Legislature.'

"A motion was made by Mr. Calhoun to amend this amendment, by striking out the words 'with the assent of such state.' Whereupon

"A motion was made by Mr. King that the bill and the amendments be postponed indefinitely.

"After debate, this motion was rejected by yeas 74, nays 87.

"The question was then taken on the amendment proposed by Mr. Calhoun to the amendment of Mr. Pickering, and it was rejected. And the amendment of Mr. Pickering was agreed to by the House.

"Mr. Kilbourn then moved further to amend the bill by adding the following section :

"Sec. 5. *And be it further enacted*, That when it shall be the wish of any state that a part of its share in the funds set apart and appropriated by this act shall be applied to the purposes intended by this act within the limits of any other state or states, and shall manifest the same to Congress by a resolution of the Legislature thereof, it may and shall be lawful for Congress to provide for and direct the application of such sum, in such manner as they shall think proper, to the specific purposes set forth in such resolution, and none other.'

"This amendment was rejected.

"The bill was ordered to be engrossed for a third reading, and was passed by yeas 86, nays 84.

"In the Senate it was referred to the Committee on Roads and Canals, who reported it back without amendment.

"Mr. Ashmun, of Massachusetts, moved to amend it by adding to the second section thereof the following proviso :

"*Provided, however*, That no part of said fund shall be expended on any of the objects aforesaid within the state, without the assent of the Legislature thereof; *And provided also*, That if any state shall refuse its assent as aforesaid, there shall be paid to such state such proportion of said moneys as would be expended therein on the objects aforesaid, if such state had assented to said expenditure.'

"This amendment was rejected by yeas 5, nays 33."

The bill, having undergone some amendment, was ordered to be engrossed by a vote of 22 to 16, and was finally passed by a vote of 20 to 15. The House concurred in the amendments of the Senate, and the bill was sent to the President in the form and under the title which we have given.

The President returned it to the House in which it originated with the following objections:

*"To the House of Representatives of the United States:*

"Having considered the bill this day presented to me, entitled 'An Act to set apart and pledge certain Funds for Internal Improvements,' and which sets apart and pledges funds 'for constructing roads and canals, and improving the navigation of water-courses, in order to facilitate, promote, and give security to internal commerce among the several states, and to render more easy and less expensive the means and provision for the common defense,' I am constrained, by the insuperable difficulty I feel in reconciling the bill with the Constitution of the United States, to return it with that objection to the House of Representatives, in which it originated.

"The legislative powers vested in Congress are specified and enumerated in the eighth section of the first article of the Constitution, and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers, or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the Constitution in the government of the United States.

"The power to regulate commerce among the several states' can not include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote, and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.

"To refer the power in question to the clause 'to provide for the common defense and general welfare,' would be contrary to the established and consistent rules of interpretation, as rendering the special and careful enumeration of powers which

follow the clause nugatory and improper. Such a view of the Constitution would have the effect of giving to Congress a general power of legislation instead of the defined and limited one hitherto understood to belong to them, the terms 'common defense and general welfare' embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the Constitution and laws of the several states, in all cases not specifically exempted, to be superseded by laws of Congress, it being expressly declared 'that the Constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding.' Such a view of the Constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the general and the state governments, inasmuch as questions relating to the general welfare being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

"A restriction of the power 'to provide for the common defense and general welfare' to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of Congress all the great and most important measures of government, money being the ordinary and necessary means of carrying them into execution.

"If a general power to construct roads and canals, and to improve the navigation of water-courses, with the train of powers incident thereto, be not possessed by Congress, the assent of the states in the mode provided by the bill can not confer the power. The only cases in which the consent and cession of particular states can extend the power of Congress, are those specified and provided for in the Constitution.

"I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses, and that a power in the national Legislature to provide for them might be exercised with signal advantage to the general prosperity. But, seeing that such a power is not expressly given by the Constitution, and believing that it can not be deduced from any part of it without an inadmissible latitude of con-



struction, and a reliance on insufficient precedents; believing, also, that the permanent success of the Constitution depends on a definite partition of powers between the general and the state government, and that no adequate landmarks would be left by the constructive extension of the powers of Congress, as proposed in the bill, I have no option but to withhold my signature from it, and to cherish the hope that its beneficial objects may be attained by a resort for the necessary powers to the same wisdom and virtue in the nation which established the Constitution in its actual form, and providently marked out, in the instrument itself, a safe and practicable mode of improving it, as experience might suggest.

“(Signed), JAMES MADISON.

“*March 3, 1817.*”

The question was immediately taken in the mode prescribed by the Constitution of the United States, “that the House, on reconsideration, do agree to pass the said bill,” the President’s objections to the same notwithstanding, and, two thirds not voting therefor, it was decided in the negative, yeas 60, nays 56. Among the yeas are the names of Calhoun, Huger, and Forsyth.

That the reader may understand the course of proceeding in such cases, we annex the provision of the Constitution which regulates it:

“Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States, and, if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and, if approved by two thirds of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively.”

Mr. Monroe entered upon the duties of the executive office entertaining a high sense of the advantages to be derived from



the facility which might be afforded to the intercourse between the states by means of internal improvements. In his inaugural address, he made no doubt of the power of Congress to make appropriations for such purposes. He says:

“Other interests of high importance will claim attention, among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow-citizens—much to the ornament of the country; and, what is of greater importance, we shall shorten distances, by making each part more accessible to and dependent on the other: we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States, a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.”

In his first annual message, Mr. Monroe, “disregarding early impressions,” expresses a change of opinion, and qualifies his opinions formerly expressed in relation to the power of Congress to apply appropriations to the *construction of roads and canals*. He says:

“When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connection of its parts, and other circumstances on which their prosperity and happiness depend, we can not fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at the present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a re-

gard for the public interest and a proper respect for Congress require. A difference of opinion has existed from the first formation of our Constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance and a just sense of my duty required, and the result is, a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incident to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I can not resist the obligation which I feel to suggest to Congress the propriety of recommending to the States the adoption of an amendment to the Constitution which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for a specific grant of the power. We may confidently rely, that if it appears to their satisfaction that the power is necessary, it will always be granted. In this case I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our Union promises to such a recommendation the most prompt and favorable result."

This portion of the message was referred to a select committee of seven members, who, through their chairman, Mr. Tucker, of Virginia, made a report, which concluded with the following resolution:

"*Resolved*, That in order to promote and give security to the internal commerce among the several states; to facilitate the safe and expeditious transportation of the mails by the improvement of post-roads, *with the assent of the respective states*; to render more easy and less expensive the means and provision necessary for the common defense by the construction of

military roads, *with the like assent of the respective states*, and for such other internal improvements as may be within the constitutional powers of the general government, it is expedient that the sum to be paid to the United States by the twentieth section of the act to incorporate the subscribers to the Bank of the United States, and the dividends which shall arise from their shares in its capital stock, be constituted as a fund for internal improvement."

The following passage in the report, not less significant in our day than it was then, occurs in relation to the contested constitutional power of Congress :

"Involving, as it is supposed, a great constitutional question on the one hand, and intimately connected on the other with the improvement, the prosperity, the union, and the happiness of the United States, it presents the fairest claims to candid and diligent investigation. Nor is it without additional interest from the division of opinion to which it has heretofore given rise between the executive and legislative branches of the government : a difference which, in the indulgence of the rights of free opinion, will be still found to exist between the sentiments promulgated in the message of the President, and those which will be advanced by your committee in this report ; nor do they conceive that the expression in the message of the President of an opinion unfavorable to the constitutional powers of the general government should be permitted to have any influence on the disposition of Congress to legislate on this interesting subject ; for, if the constitutional majority of the two houses should differ with the executive department, the opinion of the latter, however respectable, must yield to such an expression of their will. On the other hand, if, from deference to an opinion promulgated in an executive communication, Congress should refrain from entering upon the consideration of a question involving constitutional doctrine, it might happen that the opinion of the President would prevent the sanction of a law, even though there should be the constitutional majority of two thirds of both houses in its favor. Thus, by the introduction of such a practice, the presidential  *veto*  would acquire a force unknown to the Constitution, and the legislative body would be shorn of its powers, from a want of confidence in its strength, or from indisposition to exert it. While your committee are perfectly aware

that nothing like this is contemplated by the executive branch of the government, they presume the House of Representatives will scrupulously avoid a course which may be construed into a dereliction of their privileges."

The report was referred to the Committee of the Whole on the State of the Union, and was debated some days, when the committee struck out all the resolution after the word "Resolved," and inserted, in lieu thereof, the following:

"1. That Congress has power, under the Constitution, to appropriate money for the construction of post-roads, military and other roads, and of canals, and for the improvement of water-courses.

"2. *Resolved*, That Congress has power, under the Constitution, to construct post-roads and military roads; *Provided*, That private property be not taken for the public use without just compensation.

"3. *Resolved*, That Congress has power, under the Constitution, to construct roads and canals necessary for commerce between the states; *Provided*, That private property be not taken for public purposes without just compensation.

"4. *Resolved*, That Congress has power, under the Constitution, to construct canals for military purposes; *Provided*, That no private property be taken for any such purpose without just compensation being made therefor."

When the question came up in the *House* on concurring in the first resolution, Mr. Desha moved to amend it by striking out the words "*and other*," which motion was rejected. The House then concurred in the resolution by a vote of yeas 90, nays 75.

The question then being on concurring in the second resolution, Mr. Holmes, of Massachusetts, moved to amend it by adding the words, "*And provided also*, That the property of no state can be taken without its consent, and without just compensation." This amendment was rejected.

Mr. Desha moved to amend the resolution after the word "roads," by adding the words "with the consent of the states." The amendment was rejected; and the resolution itself was also rejected by yeas 82, nays 84.

The question then being on concurring in the third resolution, Mr. Holmes, of Massachusetts, moved to amend it by

adding, “ *And provided*, That no property of any state shall be taken for this purpose without its consent.” The motion was rejected.

Mr. Tucker moved to amend by inserting after the word “states” the words “with the consent of the states through which they pass.” The amendment was rejected by yeas 46, nays 120. And the third resolution was then rejected by yeas 71, nays 95.

The fourth resolution was also rejected by yeas 81, nays 83.

Mr. Poindexter then moved the following as an additional resolution :

“ *Resolved*, That Congress have power, under the Constitution, to appropriate money in aid of the construction of roads and canals, which shall be laid out and constructed under the authority of the Legislatures of the states through which they pass.”

This resolution was rejected, and the whole subject was then laid on the table.

On the thirtieth of March following, 1818, Mr. Tucker, from the same committee, reported certain resolutions which, on the fourth of April, were adopted as follows :

“ *Resolved*, That the Secretary of War be instructed to report to this House, at the ensuing session of Congress, a plan for the application of such moneys as are within the power of Congress, to the purpose of opening and constructing such roads and canals as may deserve and require the aid of government, with a view to military operations in time of war, the transportation of munitions of war, and the more complete defense of the United States : and also a statement of the works of the nature above mentioned which have been commenced, the progress which has been made, and the means and prospect of their completion, together with such information as, in the opinion of the secretary, shall be material in relation to the objects of this resolution.

“ *Resolved*, That the Secretary of the Treasury be instructed to prepare and report to this House, at their next session, a plan for the application of such means as are within the power of Congress to the purpose of opening and improving roads and making canals, together with a statement of the undertakings of that nature which, as objects of public improvement, may



require and deserve the aid of the government; and also a statement of works of the nature above mentioned which have been commenced, the progress which has been made in them, the means and prospect of their being completed, the public improvements carried on by states or by companies, or incorporations which have been associated for such purposes, to which it may be deemed expedient to subscribe or afford assistance, the terms and conditions of such associations, and the state of their funds, and such information as, in the opinion of the secretary, shall be material in relation to the objects of this resolution."

The vote stood, yeas 76, nays 57, the names of Abbott, Cobb, Crawford, Forsyth, and Terrell, of Georgia, and of Lowndes and Miller, of South Carolina, being recorded in the affirmative.

The Secretary of the Treasury did not act upon the subject, having, it appears, been prevented by ill health.

But Mr. Calhoun, at that time Secretary of War, replied on the 7th of January, 1819, by a report which is worthy of some attention. He speaks briefly, but emphatically, of the benefits of a "judicious system of roads and canals." "Such a system," he says, "constructed for the convenience of commerce and the transportation of the mail only, without any reference to military operations, is itself among the most efficient means for the more complete defense of the United States." Without advert- ing to the fact that the roads and canals which such a system would require are, with few exceptions, precisely those which would be required for the operations of war, such a system, by consolidating our Union, increasing our wealth and fiscal capacity, would add greatly to our resources in war. It is in a state of war, when a nation is compelled to put all its resources in men, money, skill, and devotion to country into requisition, that its government realizes, in its security, the beneficial effects from a people made prosperous and happy by a wise direction of its resources in peace. But I forbear to pursue this subject, though so interesting, and which, the farther it is pursued, will the more clearly establish the intimate connection between the defense and safety of the country, and its improvement and prosperity, as I do not conceive that it constitutes the immediate object of this report.

"There is no country to which a good system of military

roads and canals is more indispensable than to the United States."

Speaking of the exposed character of the Atlantic frontier, he says :

"Thus circumstanced, it is the duty of the government to render it as secure as possible. For much of this security, we ought to look to a navy, and a judicious and strong system of fortifications; but not to the neglect of such roads and canals as will enable the government to concentrate promptly and cheaply, at any point which may be menaced, the necessary force and means of defense."

Again he says :

"Much undoubtedly remains to be done to perfect the road and improve the navigation of the rivers; but this, for the most part, may be safely left to the states and the commercial cities particularly interested, as the appropriate objects of their care and exertions. The attention of both has recently been much turned toward these objects, and a few years will probably add much to facilitate the intercourse between the coast and the interior of the Atlantic States. Very different is the case with the great and important line of communication extending along the coast through the Atlantic States. No object of the kind is more important, and there is none to which state or individual capacity is more inadequate. It must be perfected by the general government, or not be perfected at all, at least for many years. No one or two states have a sufficient interest. It is immediately beneficial to more than half of the states of the Union, and, without the aid of the general government, would require their co-operation. It is at all times a most important object to the nation, and in a war with a naval power is almost indispensable to our military, commercial, and financial operations."

And again :

"If it were thoroughly opened by land and water—if Louisiana were connected by a durable and well-finished road with Maine, and Boston with Savannah by a well-established line of inland navigation, for which so many facilities are presented, more than half of the pressure of war would be removed. A country so vast in its means, and abounding in its various latitudes with almost all of the products of the globe, is a world

of itself; and with that facility of intercourse, to perfect which the disposable means of the country is adequate, would flourish and prosper under the pressure of a war with any power. But dropping this more elevated view, and considering the subject only as it regards 'military operations in time of war, and the transportation of the munitions of war,' what could contribute so much as this communication to the effectual and cheap defense of our Atlantic frontier? Take the line of inland navigation along the coast, the whole of which, it is estimated, could be completed for sea vessels by digging one hundred miles, and at the expense of \$3,000,000, the advantage which an enemy with a naval force now has, by rapidly moving along the coast, and harassing and exhausting the country, would be in a great measure lost to him."

The report designates such works as military operations in time of war, the transportation of munitions of war, and the "more complete defense of the United States," in the judgment of Mr. Calhoun, required. He adds:

"Many of the roads and canals which have been suggested are no doubt of the first importance to the commerce, the manufactures, the agriculture, and political prosperity of the country, but are not, for that reason, less useful or necessary for military purposes. It is, in fact, one of the great advantages of our country, enjoying so many others, that, whether we regard its internal improvements in relation to military, civil, or political purposes, very nearly the same system, in all its parts, is required. The road or canal can scarcely be designated which is highly useful for military operations, which is not equally required for the industry or political prosperity of the community. If those roads or canals had been pointed out which are necessary for military purposes only, the list would have been small indeed. I have, therefore, presented all, without regarding the fact that they might be employed for other uses, which, in the event of war, would be necessary to give economy, certainty, and success to our military operations; and which, if they had been completed before the late war, would, by their saving in that single contest in men, money, and reputation, more than have indemnified the country for the expense of their construction. I have not prepared an estimate of expenses, nor pointed out the particular routes for the roads or canals

recommended, as I conceive that this can be ascertained with satisfaction only by able and skillful engineers, after a careful survey and examination.

"I would, therefore, respectfully suggest, as *the basis of the system*, and the first measure in the 'plan for the application of such means as are in the power of Congress,' that Congress should direct such a survey and estimate to be made, and the result to be laid before them as soon as practicable.

"Where incorporate companies are already formed, or the road or canal commenced under the superintendence of a state, it perhaps would be advisable to direct a subscription on the part of the United States on such terms and conditions as might be thought proper."

On the constitutional point, the report says :

"In the view which has been taken, I have thought it improper, under the resolution of the House, to discuss the constitutional question of how far the system of internal improvements which has been presented may be carried into effect on the principles of our government ; and, therefore, the whole of the arguments which are used, and the measures proposed, must be considered as depending on the decision of that question."

In May, 1822, Mr. Monroe vetoed the act "for the preservation and repair of the Cumberland Road." In his message returning the bill to the House of Representatives, in which it originated, he says :

"A power to establish turnpikes with gates and tolls, and to enforce the collection of tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries ; and, if it exists as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in Congress to make appropriations, under which power, with the consent of the states through which this road

passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power—that the states individually can not grant it; for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the Constitution, and in the mode prescribed by it.

“ If the power exist, it must be either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them, nor is it incidental to any power which has been specifically granted.

“ It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which *are* specifically granted. The following are the powers from which it is said to be derived:

“ 1st. From the right to establish post-offices and post-roads. 2d. From the right to declare war. 3d. To regulate commerce. 4th. To pay the debts, and provide for the common defense and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the government of the United States, or in any department or office thereof. 6th, and lastly, From the power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.

“ According to my judgment, it can not be derived from either of those powers, nor from all of them united, and, in consequence, it does not exist.

“ Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded, if I had time to reduce them to such a form as to include them in this paper. The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the states an amendment to the Constitu-



tion to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next."

The paper\* here referred to was transmitted by Mr. Monroe, and contained a long and elaborate exposition of his views on the subject of internal improvements. The outline of these views is embodied in the special message we have just quoted. In this paper it was that he laid down the great rule of construction so often mentioned, and which he thus expresses:

"The substance of what has been urged on this subject may be expressed in a few words. My idea is, that Congress have an unlimited power to raise money; and that, in its appropriation, they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local—national, not state benefit."

It will thus be seen that, while Mr. Monroe denied the power to assume jurisdiction by establishing turnpikes with gates, &c., and so to adopt and execute a complete system of internal improvement, he admits and distinctly recognizes the right vested in Congress to apply money to such national objects under the power to make appropriations. In other words, he asserts the right of appropriation as distinct from the right of jurisdiction over the territory.

To obviate this objection in respect to jurisdiction, in a subsequent message, December 2d, 1823, he says:

"As the Cumberland Road will require annual repairs, and Congress have not thought it expedient to recommend to the states an amendment to the Constitution for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration whether it may not be expedient to authorize the executive to enter into an arrangement with the several states

\* See Appendix at the close of this article, p. 475.

through which the road passes, to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs, and of providing also, by suitable penalties, for its protection against future injuries."

And in his annual message at the opening of the second session of the seventeenth Congress, referring to the injury sustained from the want of regular superintendence, and of the repairs indispensable to the preservation of the work on the Cumberland Road, he says:

"Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the Constitution to that effect should be recommended to the several states. A bill which assumed the right to adopt and execute such a system having been presented for my signature at the last session, I was compelled, from the view which I had taken of the powers of the general government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, *the right to keep the road in repair by providing for the superintendence of it, and appropriating the money necessary for repairs.* Surely, if they had the right to appropriate the money to make the road, they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended."

We have not been so fortunate as to ascertain the meaning which Mr. Monroe attached to the term "system," as applied by him to works of internal improvement. We are left to conjecture on that point: but he leaves no ground for doubt as to his opinions on the right of Congress to appropriate money.

In his annual message of December, 1823, before referred to, he says:

"Many patriotic and enlightened citizens, who have made

the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it would pass, would find a market through that channel. Troops might be moved with great facility in war, with cannon, and every kind of munition, and in either direction. Connecting the Atlantic with the Western country, in a line passing through the seat of the national government, it would contribute essentially to strengthen the bond of union itself. Believing, as I do, that Congress possess the right to appropriate money for such a national object (the jurisdiction remaining in the states through which the canal would pass), I submit it to your consideration whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the Corps of Engineers to examine the unexplored ground during the next season, and to report their opinion thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected by canals with those of Lake Erie."

The same message contains also this recommendation :

"The act of Congress of the 7th of May, 1822, appropriated the sum of twenty-two thousand seven hundred dollars for the purpose of *erecting two piers* as a shelter for vessels from ice, near Cape Henlopen, Delaware Bay. To effect the object of the act, the officers of the Board of Engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the War Department, that the appropriation is not adequate to the purpose intended ; and as the piers would be of great service both to the navigation of the Delaware Bay and the protection of vessels on the adjacent parts of the coast, I submit for the consideration of Congress whether additional and sufficient appropriation should not be made."

And again :

“The Board of Engineers were also directed to examine and survey the entrance of the harbor of the port of Presque Isle, in Pennsylvania, in order to make an estimate of the expense of *removing the obstructions* to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose, by act of Congress, passed the 3d of March last. The report of the board accompanies the papers from the War Department, and is submitted for the consideration of Congress.”

In his annual message of December, 1824, Mr. Monroe says :

“The provisions in the several acts of Congress of the last session for the improvement of the navigation of the Mississippi and the Ohio, of the harbor of Presque Isle, on Lake Erie, and the repair of the Plymouth Beach, are in a course of regular execution, and there is reason to believe that the appropriation in each instance will be adequate to the object. To carry these improvements fully into effect, the superintendence of them has been assigned to officers of the Corps of Engineers.”

Bills of appropriation for these and other objects had received his approval, embracing roads, sea and lake harbors, and navigable rivers.

On the 30th of April, 1824, Congress passed an act, which Mr. Monroe approved, in the following words :

*“An Act to procure the necessary Surveys, Plans, and Estimates upon the Subject of Roads and Canals.*

“1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States is hereby authorized to cause the necessary surveys, plans, and estimates to be made of the routes of such roads and canals as he may deem of national importance in a commercial or military point of view, or necessary for the transportation of the public mail ; designating, in the case of each canal, what parts may be made capable of sloop navigation ; the surveys, plans, and estimates for each, when completed, to be laid before Congress.

“2. *And be it further enacted,* That, to carry into effect the objects of this act, the President be, and he is hereby authorized to employ two or more skillful civil engineers, and such officers of the Corps of Engineers, or who may be detailed to do duty with that corps, as he may think proper ; and the sum of thirty thousand dollars be, and the same is hereby appropriated to be paid out of any monies in the treasury not otherwise appropriated.”

Of this bill, the history of which requires a brief notice, Mr. Hemphill, in a report made to the House of Representatives in 1831, on that portion of General Jackson's message relating to internal improvements, which we have hereafter quoted, says :



“It was considered as the precursor to all future improvements. Its design was to obtain an accurate knowledge of the topography of the country, by the examination of scientific men, under the direction of the President, who were to make plans, &c., of such objects as the President should direct, reserving to Congress to select in succession the routes which they might deem the most urgent, and of the highest national importance, to be first executed.”

The bill was originally reported from the Committee on Roads and Canals of the House by Mr. Hemphill, and was debated for some time in Committee of the Whole on the State of the Union, when it was reported to the House without amendment. The debate covered the whole field of argument applicable to the subject, embracing the principles involved in the resolution of the Senate of 1807, and the report made by Mr. Gallatin in compliance therewith.

When it was brought into the House, Mr. Randolph moved the indefinite postponement of the bill, which motion was rejected by yeas 86, nays 113.

Mr. Saunders moved that the bill be recommitted to the Committee on Roads and Canals, with instructions to designate such roads and canals of national importance in a commercial or military point of view, or as were necessary for the transportation of the public mail, as might be deemed proper and expedient to be surveyed and reported upon. This motion, by yeas 85, nays 116, was rejected.

Mr. Foot, of Connecticut, moved to amend the bill by striking out all after the enacting clause, and inserting the following:

“That, on application of the Legislature of any state or territory, the President of the United States is hereby authorized to employ such officers of the Corps of Engineers as he may think proper, to make the necessary surveys, plans, and estimates of such roads and canals as he may deem of national importance in a military point of view, or necessary for the transportation of the public mail within such state or territory, and cause a copy of such surveys, plans, and estimates, when completed, to be laid before Congress, and a like copy to be laid before the Legislature of such state or territory.

“Sec. 2. *And be it further enacted*, That there shall be allowed and paid to each officer of the Corps of Engineers, in ad-



dition to the pay now allowed by law, — per day for each day such officer shall be employed under the provisions of this act, as a full compensation for such services and extra expenses attending the same, to be paid out of any moneys in the treasury not otherwise appropriated.”

This amendment was rejected, and the bill was then ordered to a third reading by yeas 115, nays 86, Messrs. McDuffie, Hamilton, and Poinsett, of South Carolina, voting in the affirmative.

In the Senate the bill was referred to the Select Committee on Roads and Canals, who reported it back without amendment. When taken up for consideration, a proposition was made by Mr. Smith, of Maryland, to amend the first section by adding thereto the following proviso:

“*Provided*, That nothing herein contained shall be construed to affirm or *admit* a power in Congress, on their own authority, to make roads or canals within any of the states of the Union.”

This amendment Mr. Van Dyke, of Delaware, moved to amend by adding the following:

“*And provided also*, That, previous to making any of the aforesaid surveys, the consent of the states through which the said surveys are to be made shall first be obtained by the President from the Legislatures of the states respectively, agreeing that such surveys may be made.”

The amendment to the amendment was *rejected* by the following vote:

Yeas: Messrs. Barbour, Bell, Chandler, Elliott, Gaillard, King of New York, Lloyd of Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—15.

Nays: Messrs. Barton, Benton, Branch, Brown, Clayton, D’Wolf, Eaton, Edwards, Findlay, Hayne, Holmes of Maine, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, King of Alabama, Knight, Lanman, Lloyd of Maryland, Lowrie, McIlvaine, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—28.

Mr. Chandler, of Maine, then moved to amend the said proposed amendment by striking out the word “*admit*,” and inserting the word “*deny*.”

This amendment was rejected by yeas 10, nays 36.

The question was then taken on the proposed amendment of Mr. Smith, which was rejected by the following vote:

Yeas: Messrs. Barbour, Bell, Branch, Chandler, Clayton, D’Wolf, Elliott, Findlay, Gaillard, Holmes of Maine, King of Alabama, King of New York, Lloyd of

Massachusetts, Macon, Mills, Palmer, Smith, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

Nays: Messrs. Barton, Benton, Brown, Dickerson, Eaton, Edwards, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Knight, Lanman, Lloyd of Maryland, Lowrie, M'Ilvaine, Noble, Ruggles, Seymour, Talbot, Taylor of Indiana, Thomas, and Williams—25.

The bill was ordered to a third reading by the following vote:

Yeas: Messrs. Barton, Benton, Brown, Dickerson, Eaton, Findlay, Hayne, Holmes of Mississippi, Jackson, Johnson of Kentucky, Henry Johnson, Josiah S. Johnston, Kelly, Lanman, Lloyd of Maryland, Lloyd of Massachusetts, Lowrie, M'Ilvaine, Noble, Ruggles, Smith, Talbot, Taylor of Indiana, Thomas, and Williams—25.

Nays: Messrs. Barbour, Ball, Branch, Chandler, Clayton, D'Wolf, Edwards, Elliott, Gaillard, Holmes of Maine, King of Alabama, King of New York, Knight, Macon, Mills, Palmer, Seymour, Taylor of Virginia, Van Buren, Van Dyke, and Ware—21.

And it was finally passed in the form in which it came from the House by yeas 24, nays 18.

We have stated that the bill was signed by Mr. Monroe. In December following, 1824, the then Secretary of War, John C. Calhoun, made a report, in which are defined the principles by which the government would be guided in the execution of the objects and purposes of that act. From this document we may gather some idea of the magnificent schemes which at that day were gravely contemplated, toward the prosecution of a system which the new lights of these later times have discovered to be so unconstitutional, so demoralizing, and so corrupt.

"In order," says Mr. Calhoun, "to carry into effect the act of Congress of the 30th of April last, authorizing the President 'to cause the necessary surveys, plans, and estimates to be made of the routes of such roads and canals as he may deem of national importance in a commercial or military point of view, or necessary to the transportation of the public mail,' a board was constituted, consisting of General Bernard and Colonel Totten, of the Engineer Corps, and John L. Sullivan, an experienced civil engineer. It became necessary, in giving orders to the board, under the act, to determine what routes for roads and canals were 'of national importance' in the views contemplated by the act, as such only as the President might deem to be of that description were authorized to be examined and surveyed. In deciding this point, it became necessary to advert to our political system in its distribution of powers and duties between the general and state governments. In thus

regarding our system, it was conceived that all of these routes of roads and canals which might be fairly considered as falling within the province of any particular state, however useful they might be in a commercial or political view, or to the transportation of the mail, were excluded from the provisions of the act. 'The states have important duties to perform in facilitating, by means of roads and canals, commercial and political intercourse among their citizens; and within the sphere of these duties they are more competent to act than the general government, and there can be no rational doubt but that, as the population and the capital of the several states increase, these powerful means of developing their resources will receive from their respective Legislatures due attention. But, as numerous as this class of improvements is, and important as it may be to the general government in the discharge of the various duties confided by the Constitution to it, there are other improvements not comprehended in it of a more general character, which are more essentially connected with the performance of its duties, while they are less intimately connected with those belonging to the state governments, and less within their power of execution. It is believed that this class, and this only, was comprehended in the provisions of the act. In projecting the surveys in this view of the subject, the whole Union must be considered as one, and the attention directed, not to those roads and canals which may facilitate intercourse between parts of the same state, but to those which may bind all of the parts together, and the whole with the center, thereby facilitating commerce and intercourse among the states, and enabling the government to disseminate promptly, through the mail, information to every part, and to extend protection to the whole. By extending these principles, the line of communication by roads and canals through the states, the general government, instead of interfering with the state governments within their proper spheres of action, will afford (particularly to those states situated in the interior) the only means of perfecting improvements of a similar description which properly belong to them.

"These principles being fixed, it only remained to apply them to our actual geographical position to determine what particular routes were of 'national importance,' and which, accordingly, the board should be directed to examine, in order to cause sur-

veys, plans, and estimates to be prepared, as directed by the act.

“The first and most important was conceived to be the route for a canal extending from the seat of government, by the Potomac, to the Ohio River, and thence to Lake Erie; and accordingly, as soon as the board was organized, it was ordered to examine and cause this important route to be surveyed. Dr. William Howard and Mr. James Shriver, both of whom were well acquainted with the localities of the route, were associated as assistants with the board. Two topographical brigades (all that could be spared from the survey of the coast for the purpose of fortification), and one brigade of surveyors under Mr. Shriver, were placed under the orders of the board.

“The examination of the route was completed in September, but the survey will not be finished till the next season. That part of it, however, which is most interesting—the section of the summit-level of the Alleghany, including its eastern slope—is completed, which, it is hoped, will enable the board to determine, during the present winter, on the practicability of the project. Should it prove practicable, its execution would be of incalculable advantage to the country. It would bind together, by the strongest bond of common interest and security, a very large portion of this Union; but, in order fully to realize its ‘importance in a national point of view,’ it will be necessary to advert to some of the more striking geographical features of our country.

“The United States may be considered, in a geographical point of view, as consisting of three distinct parts, of which the portion extending along the shores of the Atlantic and back to the Alleghany Mountains constitutes one, that lying on the lakes and the St. Lawrence another, and that watered by the Mississippi, including its various branches, the other. These several portions are very distinctly marked by well-defined lines, and have naturally but little connection, particularly in a commercial point of view. It is only by artificial means of communication that this natural separation can be overcome, to effect which much has already been done. The great canal of New York firmly unites the country of the lakes with the Atlantic, through the channel of the North River, and the national road from Cumberland to Wheeling, commenced under the admin-



istration of Mr. Jefferson, unites, but more imperfectly, the Western with the Atlantic States. But the complete union of these separate parts, which geographically constitute our country, can only be effected by the completion of the projected canal to the Ohio and Lake Erie, by means of which the country lying on the lakes will be firmly united to that on the Western waters, and both with the Atlantic States, and the whole intimately connected with the center. These considerations, of themselves, without taking into view others, fairly bring this great work within the provision of the act directing the surveys; but when we extend our views, and consider the Ohio and the Mississippi, with its great branches, but as a prolongation of the canal, it must be admitted to be not only of national importance, but of the very highest national importance, in a commercial, military, and political point of view. Thus considered, it involves the completion of the improvements of the navigation of both these rivers, which have been commenced under the appropriation of the last session of Congress; and, also, canals round the Falls of the Ohio at Louisville, and the Muscle Shoals on the Tennessee River, both of which, it is believed, can be executed at a moderate expense. With these improvements, the projected canal would not only unite the three great sections of the country together, as has been pointed out, but would also unite, in the most intimate manner, all of the states on the lakes and the Western waters among themselves, and give complete effect to whatever improvement may be made by these states individually. The advantages, in fact, from the completion of this single work, as proposed, would be so extended and ramified throughout these great divisions of our country, already containing so large a portion of our population, and destined, in a few generations, to outnumber the most populous states of Europe, as to leave in that quarter no other work for the execution of the general government, excepting only the extension of the Cumberland Road from Wheeling to St. Louis, which is also conceived to be of 'national importance.'

"The route which is deemed next in importance, in a national point of view, is the one extending through the entire tier of the Atlantic States, including those on the Gulf of Mexico. By adverting to the division of our country through which



this route must pass, it will be seen that there is a striking difference in geographical features between the portions which extend south and north of the seat of government, including the Chesapeake Bay, with its various arms in the latter division. In the northern part of the division, all of the great rivers terminate in deep and bold navigable estuaries, while an opposite character distinguishes the mouths of the rivers in the other. This difference gives greater advantage to improvement by canal in the northern, and less in the southern division. In the former, it is conceived to be of high national importance to unite its deep and capacious bays by a series of canals; and the board was accordingly instructed to examine the routes for canals between the Delaware and the Raritan, between Barnstable and Buzzard's Bays, and Boston Harbor and Narraganset Bay. The execution of the very important link in this line of communication between the Delaware and the Chesapeake, having been already commenced, was not comprehended in the order. These orders will be executed by the board before the termination of the season. The important results which would follow from the completion of this chain in a commercial, military, and political point of view, are so striking that they need not be dwelt on. It would at all times, in peace and war, afford a prompt, cheap, and safe communication between all of the states north of the seat of government, and greatly facilitate their communication with the center of the Union. The states of New Hampshire and Maine, though lying beyond the point where these improvements would terminate, would not, on that account, less participate in the advantages, as they are no less interested than Massachusetts herself in avoiding the long and dangerous passage round Cape Cod, which would be effected by the union of Barnstable with Buzzard's Bay.

"In the section lying south of this, none of these advantages for communication by canal exist. A line of inland navigation extends, it is true, along nearly the whole line of coasts which is susceptible of improvement, and may be rendered highly serviceable, particularly in war, and on that account may be fairly considered of 'national importance.' The Dismal Swamp Canal, from the Chesapeake Bay to Albemarle Sound, which is nearly completed, constitutes a very important link in this navigation. But it is conceived that, for the southern divi-

sions of our country, the improvement which would best effect the views of Congress would be a durable road, extending from the seat of government to New Orleans, through the Atlantic States; and the board will accordingly receive instructions to examine the route as soon as the next season will permit.

“The completion of this work, and the line of canals to the North, would unite the several Atlantic States, including those on the Gulf, in a strong bond of union, and connect the whole with the center, which would also be united, as has been shown, with those on the lakes and Western waters, by the improvement projected in that quarter.

“These three great works, then, the canal to Ohio and Lake Erie, with the improvement of the navigation of the Ohio, Mississippi, and the canal round the Muscle Shoals; the series of canals connecting the bays north of the seat of government, and a durable road extending from the seat of government to New Orleans, uniting the whole of the Southern Atlantic States, are conceived to be the most important objects within the provisions of the act of the last session. The beneficial effects which would flow from such a system of improvement would extend directly and immediately to every state in the Union, and the expenditure that would be required for its completion would bear a fair proportion to the wealth and population of the several sections of the country, at least as they will stand a few years hence. When completed, it would greatly facilitate commerce and intercourse among the states, while it would afford to the government the means of transmitting information through the mail promptly to every part, and of giving effectual protection to every portion of our widely-extended country.

“There are several other routes which, though not essential to the system, are deemed of great importance in a commercial and military point of view, and which the board will receive instructions to examine. Among these, the most prominent is the connection, wherever it may prove practicable, of the Eastern and Western waters through the principal rivers discharging themselves into the Atlantic and the Gulf of Mexico; for example, the Alabama and Savannah Rivers with the Tennessee, James’s River with the Kenawha, and the Susquehanna with the Alleghany, which last will be more particu-

larly adverted to in a subsequent part of the report. To these we may add the route from Lake Champlain to the St. Lawrence, and from the River St. John, across Florida Neck, to the Gulf of Mexico. They are both deemed important, but the latter particularly so. Should it prove practicable, its beneficial effects would be great, comprehensible, and durable. The whole of the Atlantic and Western States would deeply partake in its advantages. Besides the facility of intercourse which it would afford between these states, our trade with Mexico, Guatimala, and the central parts of the continent would not only be greatly facilitated, but rendered much more secure.

“The board have, besides those already mentioned, examined, in conjunction with Pennsylvania commissioners, a route for a canal from the Alleghany to the Susquehannah. In addition to the importance of this route to a large portion of the West and the State of Pennsylvania, it was thought to possess other and strong claims on the attention of the government. It is believed to be one of the most promising routes to cross the Alleghany by a canal communication, and should that by the Potomac prove impracticable, it might afford the means of effecting the great objects intended by the canal projected by that route.

“When the various routes to which I have referred are examined and surveyed, and plans and estimates formed, in conformity with the directions of the act, it will present so full a view of the whole subject as will enable Congress to commence and complete such a system of internal improvement as it may deem proper, with the greatest possible advantage.”

In his message of December, 1824, before alluded to, Mr. Monroe, referring to the act of April 30th, says:

“Under the act of the 30th of April last, authorizing the President to cause a survey to be made, with the necessary plans and estimates, of such roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, a board has been instituted, consisting of two distinguished officers of the Corps of Engineers, and a distinguished civil engineer, with assistants, who have been actively employed in carrying into effect the object of the act. They have carefully examined the route between the Potomac and the Ohio Rivers; between the latter

and Lake Erie; between the Alleghany and the Susquehanna; and the routes between the Delaware and the Raritan, Barnstable and Buzzard's Bay, and between Boston Harbor and Narraganset Bay. Such portion of the Corps of Topographical Engineers as could be spared from the survey of the coast has been employed in surveying the very important route between the Potomac and the Ohio. Considerable progress has been made in it, but the survey can not be completed until the next season. It is gratifying to add, from the view already taken, that there is good cause to believe that this great national object may be fully accomplished.

It is contemplated to commence early in the next season the execution of the other branch of the act, that which relates to roads, and with the survey of a route from this city through the Southern States to New Orleans, the importance of which can not be too highly estimated. All the officers of both the Corps of Engineers, who could be spared from other services, have been employed in exploring and surveying the routes for canals. To digest a plan for both objects, for the great purposes specified, will require a thorough knowledge of every part of our Union, and of the relation of each part to the others, and of all to the seat of the general government. For such a digest, it will be necessary that the information be full, minute, and precise. With a view to these important objects, I submit to the consideration of Congress the propriety of enlarging both the Corps of Engineers, the military and topographical. It need scarcely be remarked, that, the more extensively these corps are engaged in the improvement of their country, in the execution of the powers of Congress, and in aid of the states of such improvements as lie beyond that limit, when such aid is desired, the happier the effect will be in many views of which the subject is susceptible. By profiting of their science, the works will always be well executed; and by giving to the officers such employment, our Union will derive all the advantage, in peace as well as in war, from their talents and services, which they can afford. In this mode, also, the military will be incorporated with the civil, and unfounded and injurious distinctions and prejudices of every kind be done away. To the corps themselves this service can not fail to be equally useful, since by the knowledge they would thus acquire they would be emi-



nently better qualified, in the event of war, for the great purposes for which they were instituted."

In a special message, under date of February 14, 1825, Mr. Monroe says :

"I herewith transmit a report from the Secretary of War, with a report to him by the chief engineer, of the examination which has been made by the Board of Engineers for Internal Improvement, in obedience to their instructions, of the country between the Potomac and Ohio Rivers ; between the latter and Lake Erie ; between the Alleghany and Schuylkill Rivers ; the Delaware and the Raritan : between Buzzard's and Barnstable Bays, and the Narraganset Roads and Boston Harbor, with explanatory observations on each route. From the view which I have taken of these reports, I contemplate results of incalculable advantage to our Union, because I see in them the most satisfactory proof that certain impediments which had a tendency to embarrass the intercourse between some of its most important sections may be removed without serious difficulty, and that facilities may be afforded in other quarters which will have the happiest effect. Of the right in Congress to promote these great results by the appropriation of the public money, in harmony with the states to be affected by them, having already communicated my sentiments fully, I, on mature consideration, deem it unnecessary to enlarge at this time."

The opinions of John Quincy Adams in relation to the power of Congress over the subject of internal improvements are known to have been of the most liberal character. We have recorded elsewhere his claim as the founder of the whole system. We have also recorded (page 153) his vote against the resolution providing for the appointment of commissioners to ascertain the practicability of a canal around the Rapids of the Ohio. That resolution preceded Mr. Worthington's (page 154), of which Mr. Adams claims to have been the author, but *one day*, and we have access to no means of informing ourselves what were his reasons for the negative vote he gave. The *fact* is upon the journal.

In his first annual message, Mr. Adams called the attention of Congress to the "general principle in a more enlarged extent" than any of his predecessors had done, and omitted not, in his subsequent communications, to enforce the duty and expediency of such "public benefactions," as he termed them.



“Upon this first occasion of addressing the Legislature of the Union with which I have been honored,” he says, “in presenting to their view the execution, so far as it has been effected, of the measures sanctioned by them for promoting the internal improvement of our country, I can not close the communication without recommending to their calm and persevering consideration the general principle in a more enlarged extent. The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact; and no government, in whatever form constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement.”

After various recommendations not connected with the subject-matter of this history, he proceeds to say :

“The spirit of improvement is abroad upon the earth. It stimulates the heart and sharpens the faculties, not of our fellow-citizens alone, but of the nations of Europe and of their rulers. While dwelling with pleasing satisfaction upon the superior excellence of our political institutions, let us not be unmindful that liberty is power; that the nation blessed with the largest portion of liberty must, in proportion to its numbers, be the most powerful nation upon earth; and that the tenure of power by man is, in the moral purposes of his Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow-men. While foreign nations, less blessed with that freedom which is power than ourselves, are advancing with gigantic strides in the career of public improvement, were we to slumber in indolence, or fold up our arms and proclaim to the world that we are palsied by the will of our constituents, would it not be to cast away the bounties of Providence, and doom ourselves to perpetual inferiority? In the course of the year now drawing to its close, we have beheld, under the auspices and at the expense of one state of this Union, a new university unfolding its portals to the sons of science, and holding up the torch of human improvement to eyes that seek the light. We have seen, under the persevering

and enlightened enterprise of another state, the waters of our Western lakes mingled with those of the ocean. If undertakings like these have been accomplished, in the compass of a few years, by the authority of single members of our confederation, can we, the representative authorities of the whole Union, fall behind our fellow-servants in the exercise of the trust committed to us for the benefit of our common sovereign, by the accomplishment of works important to the whole, and to which neither the authority nor the resources of any one state can be adequate?"

In some political quarters it has become habitual—almost, we might say, fashionable, if the term would not be considered out of place—to point to the administration of Mr. Adams as the period during which the system was carried to an extent which was sowing the seeds of corruption in the councils of the nation, and of disease in the whole political organization, and which was at length “strangled,” as it is termed, by the giant arm of General Jackson. In settling the truth or error of such declarations, a single fact is worth tones of denunciation. It is undoubtedly true that, under the administration of Mr. Adams, the appropriations made for internal improvements rose to an aggregate greatly exceeding that appropriated for such objects in any former period, though they fell far below the amounts appropriated during the first or second terms of General Jackson, and exceeded in no great degree the amount appropriated during the *first* year of the term of Mr. Van Buren. That the reader may understand that, in making this statement, we do not travel beyond the record, we invite him to look back to the report of Colonel Abert, numbered forty-four. At the close of the document there is a recapitulation of the amounts appropriated in each year, from 1806 inclusive, from which the following is shown to be the precise state of the case:

Amounts appropriated “for the construction and repair of roads and the improvement of harbors” during the different administrations, reaching back to the administration of Mr. Jefferson:

Under Mr. Jefferson.....	\$48,400
“ Mr. Madison .....	250,800
“ Mr. Monroe .....	707,621
“ Mr. J. Q. Adams .....	2,310,475
“ Gen. Jackson .....	10,582,882

Under Mr. Van Buren .....	2,222,544
“ Mr. Tyler.....	1,076,500

Amounts appropriated during each year of Mr. Adams's administration :

1826.....	\$284,253 00
1827.....	398,541 45
1828.....	1,020,120 56
1829.....	608,560 25
Total.....	\$2,311,475 26

Amounts appropriated during the first term of General Jackson's administration :

1830.....	\$672,506 03
1831.....	926,311 84
1832.....	1,225,008 43
1833.....	1,159,451 82
Total.....	\$3,983,278 12

Amounts appropriated during the second term of General Jackson's administration :

1834.....	\$1,641,621 52
1835.....	1,352,243 61
1836.....	1,837,520 31
1837.....	1,768,218 63
Total.....	\$6,599,604 07

Total amount appropriated during the two terms of General Jackson.....	\$10,582,882 19
The average expenditure <i>per annum</i> during Mr. Adams's administration was .....	577,868 81
The average expenditure <i>per annum</i> during General Jackson's administration was .....	1,322,860 02
The amount appropriated during the first year of Mr. Van Buren's term ( <i>i. e.</i> , 1838) was .....	2,087,044 16
Being less than the sum appropriated during <i>the whole</i> of Mr. Adams's administration only .....	224,431 10

The total amount of such appropriations made from the year 1806 to the present time, as appears by the same "recapitulation," is \$17,199,223 21 So that considerably more than one half of all the appropriations made since 1806, for objects of internal improvement, were made during the administration of General Jackson. And it is a fact which will not escape observation, that the amounts appropriated during the *last two years* of his *last term* exceeded those appropriated during any previous year of his administration, or during any previous year of any other administration. It is not necessary to particularize the several works for which these moneys were appropriated, as the reader can inform himself of them by referring to the document. It is

enough to say that they embraced all the various descriptions of internal improvement, harbors, rivers, roads, and canals.

In his annual message of December, 1827, Mr. Adams says :

“The expediency of providing for additional numbers of officers in the two Corps of Engineers will in some degree depend upon the number and extent of the objects of national importance upon which Congress may think it proper that surveys should be made, conformably to the act of the 30th of April, 1824. Of the surveys which, before the last session of Congress, had been made under the authority of that act, reports were made :

“1. Of the Board of Internal Improvement on the Chesapeake and Ohio Canal.

“2. On the continuation of the National Road from Cumberland to the tide-waters within the District of Columbia.

“3. On the continuation of the National Road from Canton to Zanesville.

“4. On the location of the National Road from Zanesville to Columbus.

“5. On the continuation of the same to the seat of government in Missouri.

“6. On a post-road from Baltimore to Philadelphia.

“7. Of a survey of Kennebec River (in part).

“8. On a national road from Washington to Buffalo.

“9. On the survey of Saugatuck Harbor and River.

“10. On a canal from Lake Pontchartrain to the Mississippi River.

“11. On surveys at Edgartown, Newburyport, and Hyannis Harbor.

“12. On the survey of La Plaisance Bay, in the Territory of Michigan.

“And reports are now prepared, and will be submitted to Congress—

“On surveys of the peninsula of Florida, to ascertain the practicability of a canal to connect the waters of the Atlantic with the Gulf of Mexico, across that peninsula ; and also of the country between the bays of Mobile and of Pensacola, with the view of connecting them together by a canal.

“On surveys of a route for a canal to connect the waters of James and Great Kenawha Rivers.

“On the survey of the swash in Pamlico Sound, and that of Cape Fear, below the town of Wilmington, in North Carolina.

“On the survey of the Muscle Shoals, in the Tennessee River, and for a route for a contemplated communication between the Hiwassee and Coosa Rivers, in the State of Alabama.

“Other reports of surveys upon objects pointed out by the several acts of Congress of the last and preceding session are in the progress of preparation, and most of them may be completed before the close of this session. All the officers of both Corps of Engineers, with several other persons duly qualified, have been constantly employed upon these services from the passage of the act of 30th April, 1824, to this time. Were no other advantage to accrue to the country from their labors than the fund of topographical knowledge which they have collected and communicated, that alone would have been a profit to the Union more than adequate to all the expenditures which have been devoted to the object; but the appropriations for the repair and continuation of the Cumberland Road, for the construction of various other roads, for the removal of obstructions from the rivers and harbors, for the erection of light-houses, beacons, piers, and buoys, and for the completion of canals undertaken by individual associations, but needing the assistance of means and resources more comprehensive than individual enterprise can command, may be considered rather as treasures laid up from the contributions of the present age for the benefit of posterity, than as unrequited applications of the accruing revenues of the nation. To such objects of permanent improvement to the condition of the country, of real addition to the wealth as well as to the comfort of the people by whose authority and resources they have been effected, from three to four millions of the annual income of the nation have, by laws enacted at the three most recent sessions of Congress, been applied, without intrenching upon the necessities of the treasury, without adding a dollar to the taxes or debts of the country, without suspending even the steady and regular discharge of the debts contracted in former days, which, within the same three years, have been diminished by the amount of nearly sixteen millions of dollars.”

In his last annual message, 1828, Mr. Adams says:

“The report from the Engineer Department presents a com-



prehensive view of the progress which has been made in the great systems promotive of the public interest, commenced and organized under the authority of Congress, and the effects of which have already contributed to the honor and dignity of the nation. \* \* \* \* \*

“The next of these cardinal measures of policy is the preliminary to great and lasting works of public improvement, in the surveys of roads, examination for the course of canals, and labors for the removal of the obstructions of rivers and harbors, first commenced by the act of Congress of 30th April, 1824.

“The report exhibits, in one table, the funds appropriated at the last and preceding sessions of Congress for all these fortifications, surveys, and works of public improvement; the manner in which these funds have been applied; the amount expended upon the several works under construction, and the further sums which may be necessary to complete them.

“In a second, the works projected by the Board of Engineers which have not been commenced, and the estimate of their cost. \* \* \* \* \*

“For the preparation of five additional reports of reconnaissances and surveys since the last session of Congress, for the civil constructions upon thirty-seven different works commenced, eight others for which specific appropriations have been made by acts of Congress, and twenty other incipient surveys under the authority given by the act of 30th April, 1824, about one million more of dollars has been drawn from the treasury.

“To these two millions of dollars is to be added the appropriation of two hundred and fifty thousand dollars to commence the erection of a breakwater near the mouth of the Delaware River; the subscriptions to the Delaware and Chesapeake, the Louisville and Portland, the Dismal Swamp, and the Chesapeake and Ohio Canals; the large donations of lands to the States of Ohio, Indiana, Illinois, and Alabama, for objects of improvement within these states, and the sums appropriated for light-houses, buoys, and piers on the coast; and a full view will be taken of the munificence of the nation in the application of its resources to the improvement of its own condition.”

General Jackson, in his first inaugural address, says:

“Internal improvement and the diffusion of knowledge, so far as they can be promoted by the constitutional acts of the federal government, are of high importance.”

And in his first annual message he makes this allusion only to the subject of internal improvements:

“As the period approaches when the application of the revenue to the payment of debt will cease, the disposition of the surplus will present a subject for the serious deliberation of Congress, and it may be fortunate for the country that it is yet to be decided. Considered in connection with the difficulties which have heretofore attended appropriations for purposes of internal improvement, and with those which this experience tells us will certainly arise whenever power over such subjects may be exercised by the general government, it is hoped that it may lead to the adoption of some plan which will reconcile the diversified interests of the states, and strengthen the bonds which unite them. Every member of the Union, in peace and in war, will be benefited by the improvement of inland navigation and the construction of highways in the several states. Let us, then, endeavor to attain this benefit in a mode which will be satisfactory to all. That hitherto adopted has, by many of our fellow-citizens, been deprecated as an infraction of the Constitution, while by others it has been viewed as inexpedient. All feel that it has been employed at the expense of harmony in the legislative councils.

“To avoid these evils, it appears to me that the most safe, just, and federal disposition which could be made of the surplus revenue would be its apportionment among the several states according to their ratio of representation; and should this measure not be found warranted by the Constitution, that it would be expedient to propose to the states an amendment authorizing it. I regard an appeal to the source of power, in cases of real doubt, and where its exercise is deemed indispensable to the present welfare, as among the most sacred of all our obligations.”

We come now to the veto of General Jackson on the bill to authorize “a subscription of stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company.” That veto caused so much excitement at the time, has made so great a display in the history of the system, and has been so much quoted in arguments touching the general subject of such appropriations, that its transfer, almost entire, to these pages becomes an imperative duty.

After some preliminary remarks, in which he alludes to his own opinions as previously expressed (and quoted by us), and to the opinions of his predecessors, he proceeds to say :

“ This brief reference to known facts will be sufficient to show the difficulty, if not the impracticability, of bringing back the operations of the government to the construction of the Constitution set up in 1798, assuming that to be its true reading in relation to the power under consideration, thus giving an admonitory proof of the force of implication, and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly-defined powers ; for although it is the duty of all to look to that sacred instrument instead of the statute-book, to repudiate, at all times, encroachments upon its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and the confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability, and defeat the objects of the Constitution itself.

“ The bill before me does not call for a more definite opinion upon the particular circumstances which will warrant appropriations of money by Congress to aid works of internal improvement ; for although the extension of the power to apply money beyond that of carrying into effect the object for which it is appropriated has, as we have seen, been long claimed and exercised by the federal government, yet such grants have always been professedly under the control of the general principle that the works which might be thus aided should be ‘ of a general, not local—national, not state’ character. A disregard of this distinction would, of necessity, lead to the subversion of the federal system.

“ That even this is an unsafe one, arbitrary in its nature, and liable, consequently, to great abuses, is too obvious to require the confirmation of experience. It is, however, sufficiently definite and imperative to my mind to forbid my approbation of any bill having the character of the one under consideration. I have given to its provisions all the reflection demand-

ed by a just regard for the interests of those of our fellow-citizens who have desired its passage, and by the respect which is due to a co-ordinate branch of the government, but I am not able to view it in any other light than as a measure of purely local character ; or, if it can be considered national, that no further distinction between the appropriate duties of the general and state governments need be attempted ; for there can be no local interest that may not, with equal propriety, be denominated national. It has no connection with any established system of improvements ; is exclusively within the limits of a state, starting at a point on the Ohio River, and running out sixty miles to an interior town ; and even as far as the state is interested, conferring partial instead of general advantages.

“Considering the magnitude and importance of the power, and the embarrassments to which, from the very nature of the thing, its exercise must necessarily be subjected, the real friends of internal improvement ought not to be willing to confide it to accident and chance. What is properly national in its character, or otherwise, is an inquiry which is often extremely difficult of solution. The appropriations of one year, for an object which is considered national, may be rendered nugatory by the refusal of a succeeding Congress to continue the work on the ground that it is local. No aid can be derived from the intervention of corporations. The question regards the character of the work, not that of those by whom it is to be accomplished.

“Notwithstanding the union of the government with the corporation by whose immediate agency any work of internal improvement is carried on, the inquiry will still remain, Is it national, and conducive to the benefit of the whole, or local, and operating only to the advantage of a portion of the Union ?

“But although I might not feel it to be my official duty to interpose the executive veto to the passage of a bill appropriating money for the construction of such works as are authorized by the states, and are national in their character, I do not wish to be understood as expressing an opinion that it is expedient at this time for the general government to embark in a system of this kind ; and, anxious that my constituents should be possessed of my views on this as well as on all other subjects which they have committed to my discretion, I shall state them frankly and briefly. Besides many minor considerations,



there are two prominent views of the subject which have made a deep impression upon my mind, which I think are well entitled to your serious attention, and will, I hope, be maturely weighed by the people.

“From the official communication submitted to you, it appears that if no adverse and unforeseen contingency happens in our foreign relations, and no unusual diversion made of the funds set apart for the payment of the national debt, we may look with confidence to its entire extinguishment in the short period of four years. The extent to which this pleasing anticipation is dependent upon the policy which may be pursued in relation to measures of the character of the one now under consideration, must be obvious to all, and equally so that the events of the present session are well calculated to awaken public solicitude upon the subject. By the statement from the Treasury Department, and those from the clerks of the Senate and House of Representatives, herewith submitted, it appears that the bills which have passed into laws, and those which in all probability will pass before the adjournment of Congress, anticipate appropriations which, with the ordinary expenditures for the support of government, will exceed considerably the amount in the treasury for the year 1830. Thus, while we are diminishing the revenue by a reduction of the duties on tea, coffee, and cocoa, the appropriations for internal improvement are increasing beyond the available means of the treasury; and if to this calculation be added the amounts contained in bills which are pending before the House, it may be safely affirmed that ten millions of dollars would not make up the excess over the treasury receipts, unless the payment of the national debt be postponed, and the means now pledged to that object applied to those enumerated in this bill. Without a well-regulated system of internal improvement, this exhausting mode of appropriation is not likely to be avoided, and the plain consequence must be, either a continuance of the national debt, or a resort to additional taxes.

“Although many of the states, with a laudable zeal, and under the influence of an enlightened policy, are successfully applying their separate efforts to works of this character, the desire to enlist the aid of the general government in the construction of such as from their nature ought to devolve upon



it, and to which the means of the individual states are inadequate, is both rational and patriotic; and if that desire is not gratified now, it does not follow that it never will be. The general intelligence and public spirit of the American people furnish a sure guarantee that at the proper time this policy will be made to prevail under circumstances more auspicious to its successful prosecution than those which now exist. But, great as this object undoubtedly is, it is not the only one which demands the fostering care of the government. The preservation and success of the republican principle rest with us. To elevate its character and extend its influence rank among our most important duties; and the best means to accomplish this desirable end are those which will rivet the attachment of our citizens to the government of their choice, by the comparative lightness of their public burdens, and by the attraction which the superior success of its operations will present to the admiration and respect of the world. Through the favor of an overruling and indulgent Providence, our country is blessed with general prosperity, and our citizens exempted from the pressure of taxation, which other less favored portions of the human family are obliged to bear; yet it is true that many of the taxes collected from our citizens through the medium of imposts have, for a considerable period, been onerous. In many particulars these taxes have borne severely upon the laboring and less prosperous classes of the community, being imposed on the necessities of life, and this, too, in cases where the burden was not relieved by the consciousness that it would ultimately contribute to make us independent of foreign nations for articles of prime necessity by the encouragement of their growth and manufacture at home. They have been cheerfully borne, because they were thought to be necessary to the support of government, and the payment of debts unavoidably incurred in the acquisition and maintenance of our national rights and liberties. But have we a right to calculate on the same cheerful acquiescence when it is known that the necessity for their continuance would cease were it not for irregular improvements and unequal appropriations of the public funds? Will not the people demand, as they have a right to do, such a prudent expenditure as will pay the debts of the Union, and authorize the reduction of every tax to as low a point as the wise observance

of the necessity to protect that portion of our manufactures and labor whose prosperity is essential to our national safety and independence will allow? When the national debt is paid, the duties upon those articles which we do not raise may be repealed with safety, and still leave, I trust, without oppression to any section of the country, an accumulating surplus fund, which may be beneficially applied to some well-digested system of improvement.

“Under this view, the question as to the manner in which the federal government can or ought to embark in the construction of roads and canals, and the extent to which it may impose burdens on the people for these purposes, may be presented on its own merits, free of all disguise, and of every embarrassment, except such as may arise from the Constitution itself. Assuming these suggestions to be correct, will not our constituents require the observance of a course by which they can be effective? Ought they not to require it? With the best disposition to aid, as far as I can conscientiously, in furtherance of works of internal improvement, my opinion is that the soundest views of national policy at this time point to such a course. Besides the avoidance of an evil influence upon the local concerns of the country, how solid is the advantage which the government will reap from it in the elevation of its character? How gratifying the effect of presenting to the world the sublime spectacle of a republic of more than twelve millions of happy people, in the fifty-fourth year of her existence—after having passed through two protracted wars, the one for the acquisition and the other for the maintenance of liberty—free from debt, and with all her immense resources unfettered! What a salutary influence would not such an exhibition exercise upon the cause of liberal principles and free government throughout the world! Would we not ourselves find in its effect an additional guarantee that our political institutions will be transmitted to the most remote posterity without decay? A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to a general system of improvements, and whose good effects must, of necessity, be very limited. In the best view of these appropriations, the abuses to which they lead far exceed the good which they are capable

of promoting. They may be resorted to as artful expedients to shift upon the government the losses of unsuccessful private speculation, and thus, by ministering to personal ambition and self-aggrandizement, tend to sap the foundations of public virtue, and taint the administration of government with a demoralizing influence.

“In the other view of the subject, and the only remaining one which it is my intention to present at this time, is involved the expediency of embarking in a system of internal improvement without a previous amendment of the Constitution explaining and defining the precise powers of the federal government over it. Assuming the right to appropriate money to aid in the construction of national works, to be warranted by the cotemporaneous and continued exposition of the Constitution, its insufficiency for the successful prosecution of them must be admitted by all candid minds. If we look to usage to define the extent of the right, that will be found so variant, and embracing so much that has been overruled, as to involve the whole subject in great uncertainty, and to render the execution of our respective duties in relation to it replete with difficulty and embarrassment. It is in regard to such works and the acquisition of additional territory that the practice obtained its first footing. In most, if not all other disputed questions of appropriation, the construction of the Constitution may be regarded as unsettled if the right to apply money in the enumerated cases is placed on the ground of usage. This subject has been one of much, and, I may add, painful reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvement. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But, though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none, certainly, are so degenerate as to desire their success at the cost of that sacred instrument, with the preservation of which is indissolubly bound our country’s

hopes. If different impressions are entertained in any quarter—if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will, in the end, be disappointed; or, if it be not so, then indeed has the world little to hope from the example of free government. When an honest observance of constitutional compacts can not be obtained from communities like ours, it need not be anticipated elsewhere; and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self government admitted. And this will be the case if expediency be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

“But I do not entertain such gloomy apprehensions. If it be the wish of the people that the construction of roads and canals should be conducted by the federal government, it is not only highly expedient, but indispensably necessary, that a previous amendment of the Constitution, delegating the necessary power, and defining and restricting its exercise, with reference to the sovereignty of the states, should be made. Without it, nothing extensively useful can be effected. The right to exercise as much jurisdiction as is necessary to preserve the works, and to raise funds by the collection of tolls to keep them in repair, can not be dispensed with. The Cumberland Road should be an instructive admonition of the consequences of acting without this right. Year after year contests are witnessed, growing out of efforts to obtain the necessary appropriations for completing and repairing this useful work. While one Congress may claim and exercise the power, a succeeding one may deny it; and this fluctuation of opinion must be unavoidably fatal to any scheme which, from its extent, would promote the interest and elevate the character of the country. The experience of the past has shown that the opinion of Congress is subject to such fluctuations.

“If it be the desire of the people that the agency of the federal government should be confined to the appropriation of



money in aid of such undertakings, in virtue of state authorities, then the occasion, the manner, and the extent of the appropriations should be made the subject of constitutional regulation. This is the more necessary, in order that they may be equitable among the several states ; promote harmony between the different sections of the Union and their representatives ; preserve other parts of the Constitution from being undermined from the exercise of doubtful powers, or the too great extension of those which are not so ; and protect the whole subject against the deleterious influence of combinations to carry by concert measures which, considered by themselves, might meet but little countenance.

“ That a constitutional adjustment of this power upon equitable principles is in the highest degree desirable, can scarcely be doubted ; nor can it fail to be promoted by every sincere friend to the success of our political institutions. In no government are appeals to the source of power, in cases of real doubt, more suitable than in ours. No good motive can be assigned for the exercise of power by the constituted authorities, while those for whose benefit it is to be exercised have not conferred it, and may not be willing to confer it. It would seem to me that an honest application of the conceded powers of the general government to the advancement of the common weal present a sufficient scope to satisfy a reasonable ambition. The difficulty and supposed impracticability of obtaining an amendment of the Constitution in this respect is, I firmly believe, in a great degree unfounded. The time has never yet been when the patriotism and the intelligence of the American people were not fully equal to the greatest emergency ; and it never will, when the calling forth their interposition is plainly presented to them. To do so with the questions involved in this bill, and to urge them to an early, zealous, and full consideration of their deep importance, is, in my estimation, among the highest of our duties.

“ A supposed connection between appropriations for internal improvements and the system of protecting duties, growing out of the anxieties of those more immediately interested in their success, has given rise to suggestions which it is proper I should notice on this occasion. My opinions on these subjects have never been concealed from those who had a right to know them.



Those which I have entertained on the latter have frequently placed me in opposition to individuals as well as communities whose claims upon my friendship and gratitude are of the strongest character; but I trust there has been nothing in my public life which has exposed me to the suspicion of being thought capable of sacrificing my views of duty to private considerations, however strong they may have been, or deep the regrets they are capable of exciting.

“As long as the encouragement of domestic manufactures is directed to national ends, it shall receive from me a temperate but steady support. There is no necessary connection between it and the system of appropriations.

“On the contrary, it appears to me that the supposition of their dependence upon each other is calculated to excite the prejudices of the public against both. The former is sustained on the grounds of its consistency with the letter and spirit of the Constitution, of its origin being traced to the assent of all the parties to the original compact, and of its having the support and approbation of a majority of the people; on which account it is, at the least, entitled to a fair experiment. The suggestions to which I have alluded refer to a forced continuance of the national debt, by means of large appropriations as a substitute for the security which the system derives from the principles on which it has hitherto been sustained. Such a course would certainly indicate either an unreasonable distrust of the people, or a consciousness that the system does not possess sufficient soundness for its support if left to their voluntary choice and its own merits. Those who suppose that any policy thus founded can be long upheld in this country, have looked upon its history with eyes very different from mine. This policy, like every other, must abide the will of the people, who will not be likely to allow any device, however specious, to conceal its character and tendency.”

The bill went through the usual formalities, and, two thirds not voting in its favor, was rejected. The vote stood, yeas 96, nays 92.

In this year, 1830, the famous debate took place on what is usually known as *Foot's Resolution*; a debate which, for its transcendent power of talent and eloquence, has never been surpassed in any country, nor, we make bold to say, equaled in

this. It comprehended within its vast range almost all subjects and policies that had ever agitated the country. Mr. Woodbury characterized it as a debate which seemed to have metamorphosed the Senate not only into a Committee of the Whole on the State of the Union, but on the State of the Union in all time past, present, and to come. We allude to it passing now only because it is frequently spoken of as the occasion on which the subject of internal improvements was first made a *party* question. We do not so understand it. That question was, it is true, introduced among others, but more in a local and sectional than in a political or party aspect.

Mr. McDuffie, in the year 1823, made a speech on the general subject. The speech was printed with a preface. Referring to a pamphlet which had just before been published, under the title of "Consolidation," the preface contains the following passage, having reference to the origin of the system :

"Moreover, in the early history of parties, and when Mr. Crawford advocated a renewal of the old charter of the United States Bank, it was considered a *Federal* measure, which internal improvement *never was*, as this author erroneously states. This latter measure originated in the administration of Mr. Jefferson, with the appropriation for the Cumberland Road, and was first proposed *as a system* by Mr. Calhoun, and carried through the House of Representatives by a large majority of the *Republicans*, including almost every one of the leading men who carried us through the late war.

"The author in question, not content with denouncing as Federalists General Jackson, Mr. Adams, Mr. Calhoun, and a majority of the South Carolina delegation in Congress, modestly extends the denunciation to Mr. Monroe and the whole Republican party. Here are his words: 'During the administration of Mr. Monroe, much has passed which the Republican party would be glad to approve of if they could; but the principal feature, and that which has chiefly elicited these observations, is the renewal of the system of internal improvements.'

"Now this measure was adopted by a vote of 115 to 86 of a Republican Congress, and sanctioned by a Republican president. [See the history of this bill, page 178.] Who, then, is this author, who assumes the high prerogative of denouncing, in the name of the Republican party, the Republican administra-

tion of the country? a denunciation including within its sweep Calhoun, Lowndes, and Cheves: men who will be regarded as the brightest ornaments of South Carolina, and the strongest pillars of the Republican party, as long as the late war shall be remembered, and talents and patriotism shall be regarded as the proper objects of the admiration and gratitude of a free people."

While speaking on this point, we may add, that the system of internal improvements can not be claimed as the exclusive property of either of the two parties, but has from time to time been sanctioned and sustained by both. But, as we have elsewhere shown, the Democratic party had the ascendancy in the government at the time when greater appropriations were made for such objects than have been made at any other time.

Recently, however, the conventions which have met to nominate Democratic candidates for the offices of President and Vice-President have adopted declaratory resolutions, which, solely because they form a part of the history of the times, we must record.

The Convention which nominated Mr. Van Buren in 1840 for re-election to the presidency adopted a resolution in the following words:

"That the Constitution does not confer upon the general government the power to commence and carry on a general system of internal improvements."

A resolution in precisely the same terms was adopted by the Convention which nominated Mr. Polk in 1844, and also by the Convention which more recently nominated Messrs. Cass and Butler.

To what action these resolutions have led or may lead—what has been, or probably will be, the action of the executive or legislative branches of the government under Democratic administration—the reader can judge for himself from such votes and results as the records enable us to furnish. They will be found in their proper order.

These are points, however, upon which the opinions of members of the Democratic party not unfrequently come in conflict. For example: on the third of June last, when Mr. Sawyer, of Ohio, was arraying before the House the great amount of business which lay untouched upon the calendar, the following conversation is reported:

"Then (Mr. Sawyer said) there were bills providing for the improvement of rivers and harbors, some of them just and honest; and, if gentlemen would keep out of it such as were dishonest and unjust, the President was not going to veto the bill.

"Mr. Stewart here asked the gentleman from Ohio on what authority he asserted that the President would not veto the River and Harbor Bill.

"Mr. Sawyer said, on the authority of the President's veto message.

"Mr. Stewart. 'Which message?'

"Mr. Sawyer. 'The last veto message. He was not mistaken. He understood the objections of the President. He went against bills which were not of public and general importance.'

"Mr. Burt, of South Carolina, wanted to know whether the gentleman from Ohio meant to say that among the bills which the House had neglected to take up was the River and Harbor Bill, and that it would not be vetoed.

"Mr. Sawyer replied in the negative.

"Mr. Burt. 'Did you not mention that bill?'

"Mr. Sawyer. 'I mentioned a bill to remove rocks in the harbor of New York.'

"Mr. Burt said the gentleman from Ohio was a good Democrat. Did he mean to pledge himself that the President would not veto any bill for internal improvements? If so, he hoped that the Democratic party would adopt some other resolutions besides those put forth at Baltimore.

"Mr. Sawyer had said that there were certain bills for rivers and harbors which the President would not veto, but there were others which he held that the President ought to veto, and would.

"Mr. Stewart. 'What bills are they?'

"Mr. Sawyer said he had not time now to specify them.

"Mr. Stanton asked whether Mr. Sawyer meant to say that the nominee of the Democratic Convention would veto any bill for which he had himself voted.

"Mr. Sawyer said he must proceed with his remarks.

And again, on the first of July, the following conversation is reported between Mr. Toombs, of Georgia, and Mr. Pettit, of Indiana.

Mr. Toombs [speaking of the Baltimore platform]:



“The second of these party tenets affirms that there is no power conferred upon Congress by the Constitution ‘to commence or carry on a general system of internal improvements.’ This is intended to be understood at the South, and is expounded there by the Democratic party, to deny all power in Congress over the subject of internal improvements, including the improvement of rivers and harbors.

“[Here Mr. Pettit, a Democratic member from Indiana, interrupted Mr. T., and said that this resolution was never intended to embrace rivers and harbors.]

“Mr. T. resumed, and said: ‘I thank you for the interruption. You admit precisely what I am endeavoring to establish. My Democratic colleagues will tell you, and have already told you by their votes, that they construe the resolution to embrace such works. The gentleman from Illinois (Mr. Wentworth) says his construction is, that it only applies to “commencing and carrying on roads and canals.” These differences were well known and well understood when the last Baltimore Convention met; still the same resolutions were adopted without alteration. Am I uncharitable, then, in saying, at least as far as this resolution is concerned, that it was not intended to settle, but to tolerate differences; not to assert a principle, but to cover a trick; not to be understood, but expounded to suit the different tastes of internal improvement and anti-internal improvement men? The Democrats of Georgia are against these improvements; the Democrats of Illinois and Indiana, and other states, are favorable to them. Neither could yield any thing upon the question without injuring the party at home. This resolution is the child of necessity; as their constituents could not agree, they determined to cheat them.

“‘I ask the attention of the honest Democrats of both sections to the action of the Democratic party in Congress upon this subject. In the last Congress the Democratic party had rather more than two thirds of this House, and a majority of ten or twelve in the Senate. At the first session of that Congress, a bill passed both houses, by large majorities, appropriating large sums of money to the improvement of rivers and harbors. Among a large number of other Democrats in both houses, it was voted for by General Cass, and was vetoed by Mr. Polk. At the last session of that Congress, a similar bill, containing ap-



appropriations for many of the same rivers and harbors, was again introduced, and passed both houses of Congress. General Cass voted for this bill also; Mr. Polk vetoed it. The same Baltimore Convention lauded extravagantly the president who, under one construction of the resolution, vetoed both bills, and nominated as their candidate for the presidency the senator who, agreeing with the other construction, *voted* for them! Yet this is not all; "in the lowest deep there is still a lower depth"—and General Cass has found it. In his letter accepting the nomination, he says: "I have carefully read the resolutions of the Democratic National Convention, laying down the platform of our political faith, and I adhere to them as firmly as I approve them cordially." He therefore cordially approves the resolution applauding Mr. Polk for vetoing, on constitutional grounds, bills for which, under his oath as a senator, he had voted. The honorable gentleman from Pennsylvania (Mr. Thompson), who addressed the House a few days since, was especially troubled that the Whig Convention did not pass resolutions supporting both of these vetoed bills; and, however he may sanction hollow platforms, usually construes them to suit his own constituents. He advocates the tariff of 1842, and voted against the tariff of 1846. General Cass voted for the latter; yet he acts with his party, and supports General Cass."

In fact, the more the point is discussed, the more irreconcilable seem to be the differences of opinion among different portions of the Democratic party as to the *practical* construction which should be given to the resolution.

Mr. Tibbatts, of Kentucky, a good Democrat, and a very pleasant gentleman, who, at the first session of the twenty-ninth Congress, reported the River and Harbor Bill which Mr. Polk subsequently vetoed, gives this definition of the resolution:

"The several clauses of the eighth section of the Constitution give ample power to improve harbors upon the seaboard and upon the lakes, and to remove obstructions to the navigation of the rivers embraced in this bill. Such seems to me to be a common-sense and practical construction of the clauses to which I have referred, and such a common-sense construction will be given to them by every practical man in the nation.

"But, it is asked, in what does this construction differ from that of the Federalists and the supporters of a general system

of internal improvement? I will tell them. The difference is a very clear one. I have named, first, the power to raise revenue, which is unlimited; secondly, the power to appropriate that money to objects of a national character. There is a third power connected with these, *the power to carry the appropriation into effect*, by applying the money appropriated to the object for which the appropriation was made, and this third power is to be viewed in two aspects: *first, where it is simply an appropriation*, leaving the jurisdiction in the states where the contemplated improvement lies; *and, secondly, where it assumes jurisdiction in the national government*, as, in a road or canal, to erect gates, and charge tolls, &c.

“Now the Federal party, or the party in favor of a general system of internal improvements, by whatever name you designate them, assume in the general government all and every of these powers. We deny some of them. We contend that the government has no power to make such appropriations, unless the object be national, and not state—general, and not local. They contend for the contrary. We contend that Congress can carry the appropriation into effect, where the jurisdiction over the subject is left to the states; but that Congress can not do so where it is necessary to assume the jurisdiction in the general government, so as to charge toll, &c. They contend for the contrary. These distinctions are clearly taken by Mr. Monroe and General Jackson. They were broken down and overrode under the administration of Mr. J. Q. Adams, in the attempt then made to establish *a general system of internal improvements*. It was this *system* which was hurrying the country into ruin by enormous, wasteful, and extravagant expenditures, and infringing upon the powers and sovereignty of the states, which was put down by the Democratic party during the administration of General Jackson. It is *this system which is condemned by the Baltimore Convention*, when they declare that the Constitution does not confer upon the general government the power to commence and carry on a general system of internal improvements. *In that declaration, such appropriations as are contained in this bill were not contemplated.*”

Yet this, as we have stated, was the very bill vetoed by Mr. Polk, and of which the history is traced in succeeding pages. Mr. Tibbatts subsequently joined the army in Mexico, and we

have not, therefore, had it in our power to ascertain whether his opinions underwent any change in consequence of the sweeping declarations since made by the President in respect to *all* objects of internal improvement, and which are contained in the following extract from his message of December 15, 1847:

“If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channels of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain-head, and make them navigable to their sources, can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more, so that it will admit ships of heavy burden; and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flat-boats and barges?

“May the general government exercise power and jurisdiction over the soil of a state consisting of rocks and sand-bars in the beds of its rivers, and may it not excavate a canal around its waterfalls or across its lands for precisely the same object?

“Giving to the subject the most serious and candid consideration of which my mind is capable, I can not perceive any intermediate ground. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted without any other limitation than the discretion of Congress. or it must be denied altogether; if it be admitted, how broad and how susceptible of enormous abuse is the power thus vested in the general government? There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the states, which is not brought for this purpose within the power and jurisdiction of the general government.”

We have been diverted a little from the regular course of our history, to which we will now return.

At the same session of which we have been speaking—1829–1830—two bills were passed, the one entitled “An act mak-

ing appropriations for building light-houses, light-boats, beacons, and monuments, placing buoys, and for improving harbors, and directing surveys;" and the other, "An act to authorize subscription for stock in the Louisville and Portland Canal Company." In his annual message at the commencement of the following session, alluding to these bills, General Jackson says:

"It was not possible, within the time allowed me before the close of the session, to give to these bills the consideration which was due to their character and importance, and I was compelled to retain them for that purpose. I now avail myself of this early opportunity to return them to the houses in which they respectively originated, with the reasons which, after mature deliberation, compel me to withhold my approval. The practice of defraying out of the Treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and have been continued without interruption or dispute.

"As our foreign commerce increased, and was extended into the interior of the country by the establishment of ports of entry and delivery upon our navigable rivers, the sphere of those expenditures received a corresponding enlargement. Light-houses, beacons, buoys, public piers, and the removal of sand-bars, sawyers, and other partial or temporary impediments in the navigable rivers and harbors which were embraced in the revenue districts from time to time established by law, were authorized upon the same principle, and the expense defrayed in the same manner. That these expenses have at times been extravagant and disproportionate, is very probable. The circumstances under which they are incurred are well calculated to lead to such a result, unless their application is subjected to the closest scrutiny. The local advantages arising from the disbursement of public money too frequently, it is to be feared, invite appropriations for objects of this character that are neither necessary nor useful. The number of light-house keepers is already very large, and the bill before me proposes to add to it fifty-one more of various descriptions. From representations upon the subject which are understood to be entitled to respect, I am in-



duced to believe that there has not only been great improvidence in the past expenditures of the government upon these objects, but that the security of navigation has in some instances been diminished by the multiplication of light-houses, and consequent change of lights upon the coast. It is in this, as in other respects, our duty to avoid all unnecessary expense, as well as every increase of patronage not called for by the public service. But, in the discharge of that duty in this particular, it must not be forgotten that, in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable, that whatever gives facility and security to navigation, cheapens imports, and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise, they do not pay. The consumer in the most inland state derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime state. Local expenditures have not of themselves a correspondent operation.

“From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character which I can not approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

“In speaking of direct appropriations, I mean not to include a practice which has obtained to some extent, and to which I have in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment



of tolls, or any imposition of that character. The practice of thus mingling the concerns of the government with those of the states or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important objects for which it was designed.

“A different practice, if allowed to progress, would ultimately change the character of this government, by consolidating into one the general and state governments, which were intended to be kept forever distinct. I can not perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the government in private companies is subordinate to that of individuals, the arrangement and control of a portion of the public funds is delegated to an authority unknown to the Constitution, and beyond the supervision of our constituents; if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may therefore, in addition to the general discredit resulting to the government from embarking with its constituents in pecuniary speculations, be looked for as the probable fruit of such associations. It is no answer to this observation to say that the extent of consequences like these can not be great from a limited and small number of investments, because experience in other matters teaches us—and we are not at liberty to disregard its admonitions—that, unless an entire stop be put to them, it will soon be impossible to prevent their accumulation, until they are spread over the whole country, and embrace many of the private and appropriate concerns of individuals.

“The power which the general government would acquire within the several states by becoming the principal stockholder in corporations, controlling every canal, and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

“This mode of aiding such works is also, in its nature, de-

ceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland Canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object when the first erroneous step has been taken by instituting a partnership between the government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the same time regarded as the extent of the aid which government was to render to that work; and the accompanying bill for light-houses, &c., contains an appropriation for a survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage of the river, and render the canal entirely useless. To such imprudence is the course of legislation subject in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

“Although the motives which have influenced me in this matter may be already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

“In my objections to the bills authorizing subscriptions to the Maysville and Rockville Road Companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within a state, or to appropriate money for improvements of a local character. I at the same time intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the federal and state governments, and the constituents of each, as to justify its exercise on the ground

of continued and uninterrupted usage ; but that it was, nevertheless, highly expedient that appropriations even of that character should, with the exception made at the time, be deferred until the national debt is paid, and that, in the mean while, some general rule for the action of the government in that respect ought to be established.

“ These suggestions were not necessary to the decision of the question then before me, and were, I readily admit, intended to awaken the attention, and draw forth the opinions and observations of our constituents upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people ; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

“ All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy ; but, making full allowance on that account, I can not, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration ; and if it were otherwise, our course should be the same ; for the time is yet, I hope, far distant, when those intrusted with power to be exercised for the good of the whole will consider it either honest or wise to purchase local favors at the sacrifice of principle and general good.

“ So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

“It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the executive to withhold his assent from bills on other grounds than their constitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors, and by the persuasion, too, that whatever liberal institutions may have to fear from the encroachments of executive power, which have been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority derives to itself the exercise of powers that bring in their train influence and patronage of great extent, and thus excludes the operation of personal interests, every where the bane of official trust. I derive, too, no small degree of satisfaction from the reflection that, if I have mistaken the interests and wishes of the people, the Constitution affords the mean of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice by a rigid application of that portion of the public funds, which might otherwise be applied to different objects, to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule for the operations of the government in this matter than any which has hitherto been acted upon.

“Profoundly impressed with the importance of the subject, not merely as relates to the general prosperity of the country, but to the safety of the federal system, I can not avoid repeating my earnest hope that all good citizens who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an op-



posite state of things into means for the gratification of personal ambition, will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

“The general grounds of my objection to local appropriations have been heretofore expressed, and I shall endeavor to avoid a repetition of what has been already urged, the importance of sustaining the state sovereignties, as far as is consistent with the rightful action of the federal government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day’s experience serves to confirm—that the political creed which inculcates the pursuit of these great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system, and to which we must alone look for its future stability.

“That there are diversities in the interests of the different states which compose this extensive confederacy must be admitted. These diversities, arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies, and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are intrusted with the management of its affairs to neutralize their effects as far as practicable, by making the beneficial operation of the federal government as equal and equitable among the several states as can be done consistently with the great ends of its institution.

“It is only necessary to refer to undoubted facts to see how far the past acts of the government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upward of *five millions of dollars* [see EXPLANATION, p. 110], and have been distributed in very unequal proportions among the states. The estimated expense of works, of which surveys have been made, together with that of others projected and partially surveyed, amount to more than ninety-six millions of dollars.

“That such improvements, on account of particular circum-



stances, may be more advantageously and beneficially made in some states than in others, is doubtless true, but that they are of a character which should prevent an equitable distribution of the funds among the several states is not to be conceded. The want of this equitable distribution can not fail to prove a prolific source of irritation among the states.

"We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of this character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to see and regret the indication of a sinister influence in these matters in past times, have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things give rise, with their baleful influence upon the legislation of Congress touching the leading and appropriate duties of the federal government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibitions of public sentiment have received.

"Nothing short of a radical change in the action of the government upon this subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the states which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the states which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

"Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the treasury after the national debt shall have been paid, among the states, in proportion to the number of their representatives, to be applied by them to objects of internal improvements."

This portion of the message was referred to a select com-

mittee, of which Mr. Hemphill was chairman, and one of the members of which was Samuel F. Vinton, the present distinguished Chairman of the Committee of Ways and Means. A report, to which we have elsewhere referred, was made by Mr. Hemphill, which concluded with the following resolution :

“*Resolved*, That it is expedient that the general government should continue to prosecute internal improvements by direct appropriations of money, or by subscriptions for stock in companies incorporated in the respective states.”

It does not appear that the report was acted upon.

Another bill, passed in 1830, and frequently alluded to in public documents as the Rockville and Frederic Road Bill, was also returned to the Senate, in which it originated, with the following message :

“WASHINGTON, 31st May, 1830.

“*To the Senate of the United States :*

“GENTLEMEN,—I have considered the bill proposing ‘To authorize a Subscription of Stock in the Washington Turnpike Road Company,’ and now return the same to the Senate, in which it originated.

“I am unable to approve this bill, and would respectfully refer the Senate to my message to the House of Representatives on returning to that House the bill ‘To authorize a Subscription of Stock in the Maysville, Washington, Paris, and Lexington Turnpike Road Company’ for a statement of my objections to the bill herewith returned. The message referred to bears date on the 27th instant, and a printed copy of the same is herewith transmitted.                   ANDREW JACKSON.”

The Senate reconsidered this bill according to the constitutional form, and the vote in favor of passing it, “the President’s objections to the contrary notwithstanding,” stood, yeas 21, noes 17. So, two thirds not voting in the affirmative, the bill was *rejected*.

In his annual message of December, 1832, the general says :

“In former messages I have expressed my conviction that the Constitution does not warrant the appropriation of the funds of the general government to objects of internal improvement which are not national in their character ; and, both as a means of doing justice to all interests, and putting an end to a course

of legislation calculated to destroy the purity of the government, have urged the necessity of reducing the whole subject to some fixed and certain rule. As there never will occur a period, perhaps, more propitious than the present to the accomplishment of this object, I beg leave to press the subject again upon your attention.

“Without some general and well-defined principles ascertaining these objects of internal improvement to which the means of the nation may be constitutionally applied, it is obvious that the exercise of the power can never be satisfactory. Besides the danger to which it exposes Congress of making hasty appropriations to works of the character of which they may be frequently ignorant, it promotes a mischievous and corrupting influence upon elections, by holding out to the people the fallacious hope that the success of a certain candidate will make navigable their neighboring creek or river, bring commerce to their doors, and increase the value of their property. It thus favors combinations to squander the treasure of the country upon a multitude of local objects, as fatal to just legislation as to the purity of public men.

“If a system compatible with the Constitution can not be devised which is free from such tendencies, we should recollect that that instrument provides within itself the mode of its amendment, and that there is, therefore, no excuse for the assumption of doubtful powers by the general government. If those which are clearly granted shall be found incompetent to the ends of its creation, it can at any time apply for their enlargement; and there is no probability that such an application, if founded on the public interest, will ever be refused. If the propriety of the prepared grant is not sufficiently apparent to command the assent of three fourths of the states, the best possible reason why the power should not be assumed on doubtful authority is afforded; for if more than one fourth of the states are unwilling to make the grant, its exercise will be productive of discontents which will far overbalance any advantages that could be derived from it. All must admit that there is nothing so worthy of the constant solicitude of this government as the harmony and union of the people.

“Being solemnly impressed with the conviction that the extension of the power to make internal improvements beyond the

limit I have suggested, even if it be deemed constitutional, is subversive of the best interests of our country, I earnestly recommend to Congress to refrain from its exercise in doubtful cases, except in relation to improvements already begun, unless they shall first procure from the states such an amendment to the Constitution as will define its character and prescribe its bounds. If the states feel themselves competent to these objects, why should this government wish to assume the power? If they do not, then they will not hesitate to make the grant. Both governments are the governments of the people; improvements must be made with the money of the people; and if the money can be collected and applied by those more simple and economical political machines, the state governments, it will unquestionably be safer and better for the people than to add to the splendor, the patronage, and the power of the general government. But if the people of the several states think otherwise, they will amend the Constitution, and, in their decision, all ought cheerfully to acquiesce."

At the same session (second session, twenty-second Congress), General Jackson returned to the House of Representatives, with his objections, a bill which had been passed at the close of the previous session, entitled "An Act for the Improvement of certain Harbors, and the Navigation of certain Rivers." In that veto he refers to the positions he had assumed on the Maysville Road Bill, and afterward in his annual message of December, 1830. He then says:

"The grounds upon which I have given my assent to appropriations for the construction of light-houses, harbors, buoys, public piers, and the removal of sand-bars, sawyers, and other temporary or partial impediments in our navigable rivers and harbors, and with which many of the provisions of this bill correspond, have been so fully stated that I trust a repetition of them is unnecessary. Had there been incorporated in the bill no provisions for works of a different description, depending on principles which extend the power of making appropriations to every object which the discretion of the government may select, and losing sight of the distinctions between national and local character, which I had stated would be my future guide on the subject, I should have cheerfully signed the bill."

In his annual message of December, 1834, General Jackson



takes the distinction which has heretofore been so much commented upon in respect to improvements of navigation above and below ports of entry. He says:

"I have not been able to satisfy myself that the bill entitled 'An Act to Improve the Navigation of the Wabash River,' which was sent to me at the close of your last session, ought to pass, and I have therefore withheld from it my approval, and now return it to the Senate, the body in which it originated.

"There can be no question connected with the administration of public affairs more important or more difficult to be satisfactorily dealt with than that which relates to the rightful authority and proper action of the federal government upon the subject of internal improvements. To inherent embarrassments have been added others resulting from the course of our legislation concerning it.

"I have heretofore communicated freely with Congress upon this subject, and, in adverting to it again, I can not refrain from expressing my increased conviction of its extreme importance, as well in regard to its bearing upon the maintenance of the Constitution and the prudent management of the public revenue, as on account of its disturbing effect upon the harmony of the Union.

"We are in no danger from violations of the Constitution by which encroachments are made upon the personal rights of the citizen. The sentence of condemnation long since pronounced by the American people upon acts of that character will, I doubt not, continue to prove as salutary in its effects as it is irreversible in its nature. But against the dangers of unconstitutional acts, which, instead of menacing the vengeance of offended authority, proffer local advantages, and bring in their train the patronage of the government, we are, I fear, not so safe. To suppose that, because our government has been instituted for the benefit of the people, it must therefore have the power to do whatever may seem to conduce to the public good, is an error into which even honest minds are too apt to fall. In yielding themselves to this fallacy, they overlook the great considerations in which the federal Constitution was founded. They forget that, in consequence of the conceded diversities in the interest and condition of the different states, it was foreseen, at the period of its adoption, that although a particular measure



of the government might be beneficial and proper in one state, it might be the reverse in another; that it was for this reason the states would not consent to make a grant to the federal government of the general and usual powers of government, but of such only as were specifically enumerated, and the probable effects of which they could, as they thought, safely anticipate; and they forget, also, the paramount obligation upon all to abide by the compact then so solemnly, and, as it was hoped, so firmly established.

“In addition to the dangers to the Constitution springing from the sources I have stated, there has been one which was perhaps greater than all. I allude to the materials which this subject has afforded for sinister appeals to selfish feelings, and the opinion heretofore so extensively entertained of its adaptation to the purposes of personal ambition. With such stimulants, it is not surprising that the acts and pretensions of the federal government in this behalf should sometimes have been carried to an alarming extent. The questions which have arisen upon this subject have related,

“1st. To the power of making internal improvements within the limits of a state, with the right of territorial jurisdiction, sufficient, at least, for their preservation and use;

“2d. To the right of appropriating money in aid of such works when carried on by a state, or by a company in virtue of state authority, surrendering the claim of jurisdiction; and,

“3d. To the propriety of appropriations for improvements of a particular class, viz., for light-houses, beacons, buoys, public piers, and for the removal of sand-bars, sawyers, and other temporary and partial impediments in our navigable rivers and harbors.

“The claims of power for the general government upon each of these points certainly present matter of the deepest interest. The first is, however, of much the greatest importance, inasmuch as, in addition to the dangers of unequal and improvident expenditures of public moneys, common to all, there is super-added to that the conflicting jurisdictions of the respective governments. Federal jurisdiction, at least to the extent I have stated, has been justly regarded by its advocates as necessarily appurtenant to the power in question, if that exists by the Constitution.

“That the most injurious conflicts would unavoidably arise between the respective jurisdictions of the state and federal governments in the absence of a constitutional provision marking out their respective boundaries, can not be doubted. The local advantages to be obtained would induce the states to overlook, in the beginning, the dangers and difficulties to which they might ultimately be exposed. The powers exercised by the federal government would soon be regarded with jealousy by the state authorities, and originating, as they must, from implication or assumption, it would be impossible to affix to them certain and safe limits. Opportunities and temptations to the assumption of power incompatible with state sovereignty would be increased, and those barriers which resist the tendency of our system toward consolidation greatly weakened.

“The officers and agents of the general government might not always have the discretion to abstain from intermeddling with state concerns, and if they did, they would not always escape the suspicion of having done so. Collisions and consequent irritations would spring up; that harmony which should ever exist between the general government and each member of the confederacy would be frequently interrupted; a spirit of contention would be engendered, and the dangers of division greatly multiplied.

“Yet we all know that, notwithstanding these grave objections, this dangerous doctrine was at one time apparently proceeding to its final establishment with fearful rapidity. The desire to embark the federal government in works of internal improvements prevailed in the highest degree during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Companies passed the two houses, there had been reported, by the Committees on Internal Improvements, bills containing appropriations for such objects, inclusive of those for the Cumberland Road and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this government. In ad-

dition to those projects which have been presented to the two houses under the sanction and recommendation of their respective committees on internal improvements, there were then still pending before the committees, and in memorials presented but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded one hundred millions of dollars.

“Regarding the bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike Company as the entering wedge of a system which, however weak at first, might soon become strong enough to rive the bands of the Union asunder, and believing that, if its passage was acquiesced in by the executive and the people, there would no longer be any limitation upon the authority of the general government in respect to the appropriation of money for such objects, I deemed it an imperative duty to withhold from it the executive approval. Although, from the obviously local character of that work, I might well have contented myself with a refusal to approve the bill upon that ground, yet, sensible of the vital importance of the subject, and anxious that my views and opinions in regard to the whole matter should be fully understood by Congress and by my constituents, I felt it my duty to go further.

“I therefore embraced that early occasion to apprise Congress that, in my opinion, the Constitution did not confer upon it the power to authorize the construction of ordinary roads and canals within the limits of a state, and to say respectfully that no bill respecting such a power would receive my official sanction.

“I did so in the confident expectation that the speedy settlement of the public mind upon the whole subject would be greatly facilitated by the difference between the two houses and myself, and that the harmonious action of the several departments of the federal government in regard to it would be ultimately secured.

“So far, at least, as it regards this branch of the subject, my best hopes have been realized. Nearly four years have elapsed, and several sessions of Congress have intervened, and no attempt within my recollection has been made to induce Congress to exercise this power. The applications for the construction of roads, which were formerly multiplied upon your files, are no longer presented; and we have good reason to infer that the

current of public sentiment has become so decided against the pretension as effectually to discourage its reassertion. So thinking, I derive the greatest satisfaction from the conviction that thus much, at least, has been secured upon this important and embarrassing subject.

“ From attempts to appropriate the national funds to objects which are confessedly of a local character, we can not, I trust, have any thing further to apprehend. My views in regard to the expediency of making appropriations for works which are claimed to be of a national character, and prosecuted under state authority, assuming that Congress have the right to do so, were stated in my annual message to Congress in 1830, and also in that containing my objections to the Maysville Road Bill.

“ So thoroughly convinced am I that no such appropriations ought to be made by Congress until a suitable constitutional provision is made upon the subject, and so essential do I regard the point to the highest interests of our country, that I could not consider myself as discharging my duty to my constituents in giving the executive sanction to any bill containing such an appropriation.

“ If the people of the United States desire that the public treasury shall be resorted to for the means to prosecute such works, they will concur in an amendment of the Constitution, prescribing a rule by which the national character of the works is to be tested, and by which the greatest practicable equality of benefits may be secured to each member of the confederacy. The effects of such a regulation would be most salutary in preventing unprofitable expenditures, in securing our legislation from the pernicious consequences of a scramble for the favors of government, and in repressing the spirit of discontent which must inevitably arise from an unequal distribution of treasures which belong alike to all.

“ There is another class of appropriations for what may be called, without impropriety, internal improvements, which have always been regarded as standing upon different grounds from those to which I have referred.

“ I allude to such as have for their object the improvement of our harbors, the removal of partial and temporary obstructions in our navigable rivers, for the facility and security of our foreign commerce.

“The grounds upon which I distinguished appropriations of this character from others have already been stated to Congress. I will now only add that, at the first session of Congress under the new Constitution, it was provided by law that all expenses which should accrue from and after the 15th day of August, 1789, in the necessary support and maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of the act, within any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, should be defrayed out of the treasury of the United States; and further, that it should be the duty of the Secretary of the Treasury to provide by contracts, with the approbation of the President, for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers in the several states, and for furnishing them with supplies. Appropriations for similar objects have been continued from that time to the present without interruption or dispute. As a natural consequence of the increase and extension of our foreign commerce, ports of entry and delivery have been multiplied and established, not only upon our sea-board, but in the interior of the country, upon our lakes and navigable rivers. The convenience and safety of this commerce have led to the gradual extension of these expenditures: to the erection of light-houses, the placing, planting, and sinking of buoys, beacons, and piers, and to the removal of partial and temporary obstructions in our navigable rivers, and in the harbors upon our great lakes, as well as on the sea-board. Although I have expressed to Congress my apprehension that these expenditures have sometimes been extravagant and disproportionate to the advantages to be derived from them, I have not felt it to be my duty to refuse my assent to bills containing them, and have contented myself to follow, in this respect, in the footsteps of all my predecessors. Sensible, however, from experience and observation, of the great abuses to which the unrestricted exercise of this authority by Congress was exposed, I have prescribed a limitation for the government of my own conduct, by which expenditures of this character are confined to places below the ports of entry or delivery established by law. I am very sensible that this restriction is not as satisfactory as could be desired, and that much embarrass-



nment may be caused to the executive department in its execution, by appropriations for remote and not well-understood objects. But, as neither my own reflections, nor the lights which I may properly derive from other sources, have supplied me with a better, I shall continue to apply my best exertions to a faithful application of the rule upon which it is founded. I sincerely regret that I could not give my assent to the bill entitled "An Act to Improve the Navigation of the Wabash River;" but I could not have done so without receding from the ground which I have, upon the fullest consideration, taken upon this subject, and of which Congress has been heretofore apprised, and without throwing the subject again open to abuses which no good citizen, entertaining my opinions, could desire.

"I rely upon the intelligence and candor of my fellow-citizens, in whose liberal indulgence I have already so largely participated, for a correct appreciation of my motives in interposing, as I have done on this and other occasions, checks to a course of legislation which, without in the slightest degree calling in question the motives of others, I consider as sanctioning improper and unconstitutional expenditures of public treasure.

"I am not hostile to internal improvements, and wish to see them extended to every part of the country. But I am fully persuaded, if they are not commenced in a proper manner, confined to proper objects, and conducted under an authority generally conceded to be rightful, that a successful prosecution of them can not be reasonably expected. The attempt will meet with resistance where it might otherwise receive support, and instead of strengthening the bonds of our confederacy, it will only multiply and aggravate the causes of disunion."

We have now done with the record of General Jackson's opinions as President of the United States. Colonel Abert, in the report we have so often had occasion to quote, has given a statement of the various appropriations approved by him during his two presidential terms. And here we might take leave of this branch of the subject.

But it may, perhaps, be interesting to the reader to know something of the course of that illustrious man while occupying a seat in the Senate of the United States. John A. Rockwell, of Connecticut, in a speech delivered in the House on the eleventh of January, 1848, and which has been complimented,

justly, we think, for its ability and research, presented certain statements on this point worthy of general attention. He says:

"It may be said, I am aware, in relation to both presidents—Adams and Jackson—that they are not responsible for all the details of measures presented to them; and it by no means follows, because they signed bills containing objectionable provisions, that they therefore approved of every item in such bills. They had no power to amend or vary the bills before them for signature; and Mr. Adams was inclined, certainly, as were all his predecessors, to sparingly use the veto power. It so happens, however, that General Jackson, while in the United States Senate, had the opportunity, as a legislator, to indicate by his votes more clearly his private opinions on these questions; and the record shows his opinions. His name is recorded in the affirmative for the passage of the following acts:

- "1. A bill authorizing a road from Memphis to Little Rock.
- "2. A bill for making certain roads in Florida.
- "3. A bill to procure necessary surveys for roads and canals.
- "4. A bill to improve the navigation of the Mississippi, Ohio, and Missouri Rivers.
- "5. A bill for making a road in Missouri.
- "6. A bill to subscribe for stock in the Delaware and Chesapeake Canal Company.
- "7. A bill to extend the Cumberland Road to Zanesville.
- "8. A bill authorizing subscription for stock in the Louisville Canal Company.\*

\* "I have taken the pains to examine the journals of the Senate on this subject, and give a portion of the results of such examination, as showing not only that General Jackson, in every instance, on every question of this character, went to the utmost limit in favor of the system, but that, in its origin, the Northern and Eastern States are by no means entitled to be considered as its principal friends and supporters:

"'An Act to authorize the Surveying and Making a Road from Memphis, in Tennessee, to Little Rock, in the Territory of Arkansas.' House bill; passed the Senate, January 23d, 1824—General Jackson in favor—29 to 8. The yeas were all from New England except Mr. Macon, of North Carolina.

"'An Act to authorize the Laying Out and Opening certain Public Roads in the Territory of Florida.' Yeas 28, nays 8. Nays all New England men except two.

"23d April, 1824. Senate resumed consideration of 'An Act to procure the necessary Surveys, Plans, and Estimates upon the Subject of Roads and Canals.'

"On motion of Mr. Smith, of Maryland, to add at the end of the first section,

"'Provided, That nothing herein contained shall be construed to affirm or ad-

"We have here all the variety of rivers, roads, and canals, for all of which there was the sanction of the vote of Senator Jackson; embracing, too, that most exceptionable form of aiding these enterprises, by a subscription of stock.

"And it appears, also, from the journals of the Senate, that General Jackson, in relation to the bill for subscription to the stock in the Delaware and Chesapeake Canal Company, not only voted for that bill, but was one of *ten* members who voted to amend it by authorizing a subscription of four hundred shares to the stock of the Dismal Swamp Canal."

*with a power in Congress, on their own authority, to make roads or canals within any of the states of the Union.'*

"Mr. Van Dyke proposed to amend by adding.

"*And provided also, That, previous to making any of the aforesaid surveys, the consent of the states through which the said surveys are to be made shall first be obtained by the President from the Legislatures of the states respectively, agreeing that such surveys be made.'*

"On Mr. Van Dyke's amendment, 15 yeas, 28 nays, of which nays General Jackson was one.

"Mr. Chandler moved to strike out '*admit,*' and insert *deny*. Yeas 10, nays 36—Jackson among the nays.

"On Mr. Smith's motion to amend, yeas 21, nays 25—Jackson in the negative.

"On motion of Mr. Holmes, of Maine, to add to the first section the following:

"'*Provided, And the faith of the United States is hereby pledged, that no money shall ever be expended for roads and canals, except it shall be among the several states, and in the same proportion as direct taxes are laid and assessed by the provisions of the Constitution.*' Yeas 19, nays 27—Jackson in the negative.

"On ordering to a third reading, yeas 25, nays 21—General Jackson in the affirmative.

"April 24th, 1824. On the passage of the bill, yeas 24, nays 18—Jackson in the affirmative.

"*'An Act to Improve the Navigation of the Ohio and Mississippi Rivers.'* On ordering to a third reading, as amended, May 19th, 1824, yeas 25, nays 20—Jackson in the affirmative.

"February 23d, 1825. On motion to indefinitely postpone the Cumberland Road Bill, yeas 18, nays 25—Jackson among the nays.

"On the passage of the Cumberland Road Bill, 28 yeas, Jackson in the affirmative; 16 nays.

"*'An Act authorizing the Subscription to Stock in the Delaware and Chesapeake Canal Company.'* Mr. Tazewell moved to amend by adding:

"*'Sec. 3. And be it further enacted, That the Secretary of the Treasury be, and he is authorized and directed to subscribe, in the name and for the use of the United States, for four hundred shares of the capital stock of the Dismal Swamp Canal Company, and to pay for the same at such times and in such proportions as may be required by the rules and regulations of the said company.'*

"Sec. 4 authorizes the Secretary of the Treasury to vote, and that he receive dividends.

"Yeas 10, of which General Jackson was one; nays 31.

"On its passage, yeas 24, nays 18—General Jackson in the affirmative."

The messages of Mr. Van Buren are generally silent on the subject of internal improvements. For his *acts*, we refer the reader to the report of Colonel Abert, numbered forty-four.

On the 24th of January, 1839, Mr. Cambreleng, then Chairman of the Committee of Ways and Means, made a report on the state of the treasury and expenditures of government, in which he discusses, among other things, the subject of appropriations for internal improvements, and especially for rivers and harbors. The object of the report is declared to be, "to examine our expenditures in detail, to ascertain what reforms can be introduced to bring them down to the economical standard permanently contemplated by the act of 1833."

Speaking of the appropriation of "our federal means to improving harbors, rivers, and creeks, and building piers," the report says:

"Should these federal expenditures be permanently continued, they must corrupt the legislative branch, and entirely change the practical operation of our government from its original and constitutional design. Millions will be annually voted to be disbursed by our public officers, enlarging the patronage of the federal executive, and extending its influence to every congressional district throughout the Union. The federal system of roads and canals, proposed and rejected some years ago, however unconstitutional, would not have been more fatal to state independence, nor more consolidating in its tendency, than those numerous appropriations for local objects. Instead of having seventy-five works in operation at the same time, as we have already, we should have one thousand, and those employed in their construction would outnumber all engaged in the civil, military, and naval sciences. Instead of a confederacy for the common defense of a union of the states, we should have a concentrated and consolidated government almost exclusively, superintending our internal concerns, and interfering with the duties and jurisdiction of our state and local authorities. This revolution, which has already commenced, can only be arrested by confining federal legislation to the few but high duties assigned to Congress by the Constitution.

"Without, however, anticipating what may be the permanent policy of this government, the committee adhere to the opinion expressed in its two reports in 1836 and 1837, that the

subject demands thorough investigation, and that, if it is designed to persevere in it, some 'more certain, efficient, and economical system should be devised;' and if the public money must be appropriated to these objects, justice to the states requires a more equal rule of distribution. For the present, the committee are of opinion that the existing appropriations are sufficient, taking into view the condition of the treasury. Appropriations amounting to \$1,535,000 were made as late as the 7th of July last, and one half of every item in that act exceeding \$12,000 was directed to be expended in 1839. Of the existing appropriations, there remained undrawn from the treasury on the 1st of January, \$977,748 92, besides the balances in the hands of disbursing officers. As the revenue of 1839 will not warrant any additional appropriations, the committee deem it inexpedient to add \$1,713,000 to more than a million unexpended at the beginning of the year."

Thus it will be seen that the Committee of Ways and Means, instead of reporting the ordinary appropriations for the continuance of these public works during the year 1839, made the report from which the foregoing extracts are taken. The policy which they recommended was adopted. Four days after the report had been made, Mr. Grant introduced a resolution instructing the committee, with all convenient dispatch, to report a bill according to the estimates which had been submitted. The resolution was laid on the table. Some days afterward, Mr. Grant, on leave, introduced a bill "to provide for certain harbors, and for the removal of obstructions in and at the mouths of certain rivers, and for other purposes, for the year 1839." It was committed to the Committee of the Whole on the State of the Union, where it died. And thus, under the administration of Mr. Van Buren, appropriations for these public works were suddenly arrested. Colonel Abert's report shows the aggregate amount of appropriations made for that year to be sixty thousand dollars only. It is, however, to be observed, that only a portion—not exceeding one half—of the amounts appropriated in 1838 was directed to be expended in that year: a fact to which Mr. Cambreleng himself alludes. The unexpended balances of the appropriations of 1838 were applied to the continuation of the works. In 1840 the works themselves were suspended, and the tools and implements which had been



purchased by government for carrying them on, were directed to be sold at public auction.

Mr. Tyler, in his annual message at the opening of the first session of the twenty-eighth Congress, held this language :

“It is due to every consideration of public policy that the lakes and rivers of the West should receive all such attention at the hands of Congress as the Constitution will enable it to bestow. Works in favorable and proper situations on the lakes would be found to be as indispensably necessary, in case of war, to carry on safe and successful naval operations, as fortifications on the Atlantic seaboard. The appropriation made by the last Congress for the improvement of the navigation of the Mississippi River has been diligently and efficiently applied.”

On the 11th of June, 1844, Mr. Tyler vetoed the bill known as the *Eastern Harbor Bill*. The following are his objections :

*“To the House of Representatives of the United States :*

“I return to the House of Representatives, in which it originated, the bill entitled ‘An Act making Appropriations for the Improvement of certain Harbors and Rivers,’ with the following objections to its becoming a law :

“At the adoption of the Constitution, each state was possessed of a separate and independent sovereignty, and an exclusive jurisdiction over all streams and water-courses within its territorial limits. The articles of confederation in no way affected this authority of jurisdiction ; and the present Constitution, adopted for the purpose of correcting the defects which existed in the original articles, expressly reserves to the states all powers not delegated. No such surrender of jurisdiction is made by the states to this government by any express grant ; and if it is possessed, it is to be deduced from the clause in the Constitution which invests Congress with authority ‘to make all laws which are necessary and proper for carrying into execution’ the granted powers. There is, in my view of the subject, no pretense whatever for the claim to power which the bill now returned substantially sets up. The inferential power, in order to be legitimate, must be clearly and plainly incidental to some granted power, and necessary to its exercise. To refer it to the head of convenience or usefulness would be to throw open the door to a boundless and unlimited discretion, and to invest

Congress with an unrestrained authority. The power to remove obstructions from the water-courses of the states is claimed under the granted power 'to regulate commerce with foreign nations, *among the several states*, and with the Indian tribes;' but the plain and obvious meaning of this grant is, that Congress may adopt rules and regulations prescribing the terms and conditions on which the citizens of the United States may carry on commercial operations with foreign states or kingdoms, and on which the citizens or subjects of foreign states or kingdoms may prosecute trade with the United States or either of them. And so the power to regulate commerce *among the several states* no more invests Congress with jurisdiction over the water-courses of the states, than the first branch of the grant does over the water-courses of foreign powers, which would be an absurdity.

"The right of common use of the people of the United States to the navigable waters of each and every state, arises from the express stipulation contained in the Constitution that 'the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.' While, therefore, the navigation of any river in any state is, by the laws of such state, allowed to the citizens thereof, the same is also secured by the Constitution of the United States on the same terms and conditions to the citizens of every other state, and so of any other privilege or immunity.

"The application of the revenue of this government, if the power to do so was admitted, to improving the navigation of the rivers by removing obstructions or otherwise, would be, for the most part, productive only of local benefit. The consequences might prove disastrously ruinous to as many of our fellow-citizens as the exercise of such power would benefit. I will take an instance furnished by the present bill—out of no invidious feeling, for such it would be impossible for me to feel, but because of my greater familiarity with locations—in illustration of the above opinion: Twenty thousand dollars are proposed to be appropriated toward improving the harbor of Richmond, in the State of Virginia. Such improvement would furnish advantages to the city of Richmond, and add to the value of the property of its citizens, while it might have a most disastrous influence over the wealth and prosperity of Peters-

burg, which is situated some twenty-five miles distant, on a branch of James River, and which now enjoys its fair portion of the trade. So, too, the improvement of James River to Richmond, and of the Appomattox to Petersburg, might, by inviting the trade to those two towns, have the effect of prostrating the town of Norfolk. This, too, might be accomplished without adding a single vessel to the number now engaged in the trade of the Chesapeake Bay, or bringing into the treasury a dollar of additional revenue. It would produce, most probably, the single effect of concentrating the commerce now profitably enjoyed by three places upon one of them. This case furnishes an apt illustration of the effect of this bill in several other particulars.

“There can not, in fact, be drawn the slightest discrimination between the improving the streams of a state under the power to regulate commerce, and the most extended system of internal improvements on land. The excavating a canal and paving a road are equally as much incidents to such claims of power as the removing obstructions from water-courses; nor can such power be restricted, by any fair course of reasoning, to the mere fact of making the improvement. It reasonably extends, also, to the right of seeking a return of the means expended, through the exaction of tolls and the levying of contributions. Thus, while the Constitution denies to this government the privilege of acquiring a property in the soil of any state, even for the purpose of erecting a necessary fortification, without a grant from such state, this claim to power would invest it with control and dominion over the waters and soil of each state, without restriction. Power so incongruous can not exist in the same instrument.

“The bill is also liable to a serious objection, because of its blending appropriations for numerous objects, but few of which agree in their general features. This necessarily produces the effect of embarrassing executive action. Some of the appropriations would receive my sanction, if separated from the rest, however much I might deplore the reproduction of a system which, for some time past, has been permitted to sleep with, apparently, the acquiescence of the country. I might particularize the Delaware Breakwater as an improvement which looks to the security, from the storms of our extended Atlantic sea-

board, of the vessels of all the country engaged either in the foreign or the coastwise trade, as well as to the safety of the revenue: but when, in connection with that, the same bill embraces improvements of rivers at points far in the interior, connected alone with the trade of such river, and the exertion of mere local influences, no alternative is left me but to use the qualified  *veto*, with which the executive is invested by the Constitution, and to return the bill to the house in which it originated for its ultimate reconsideration and decision.

“In sanctioning a bill of the same title with that returned, for the improvement of the Mississippi and its chief tributaries, and certain harbors on the lakes, if I bring myself apparently in conflict with any of the principles herein asserted, it will arise on my part exclusively from the want of a just appreciation of localities. The Mississippi occupies a footing altogether different from the rivers and water-courses of the different states. No one state, or any number of states, can exercise any other jurisdiction over it than for the punishment of crimes and the service of civil process. It belongs to no particular state or states, but of common right, by express reservation, to all the states. It is reserved as a great common highway for the commerce of the whole country. To have conceded to Louisiana, or to any other state admitted as a new state into the Union, the exclusive jurisdiction, and, consequently, the right to make improvements and to levy tolls on the segments of the river embraced within its territorial limits, would have been to have disappointed the chief object in the purchase of Louisiana, which was to secure the free use of the Mississippi to all the people of the United States. Whether levies on commerce were made by a foreign or domestic government, would have been equally burdensome and objectionable. The United States, therefore, is charged with the improvement for the benefit of all, and the appropriation of governmental means to its improvement becomes indispensably necessary for the good of all.

“As to the harbors on the lakes, the act originates no new improvements, but makes appropriations for the continuance of works already begun.

“It is as much the duty of the government to construct good harbors, without reference to the location or interests of cities, for the shelter of the extensive commerce of the lakes, as to

build breakwaters on the Atlantic coast for the protection of the trade of that ocean. These great inland seas are visited by destructive storms, and the annual loss of ships and cargoes, and, consequently, of revenue to the government, is immense. If, then, there be any work embraced in that act which is not required in order to afford shelter and security to the shipping against the tempests which so often sweep over those great inland seas, but has, on the contrary, originated more in a spirit of speculation and local interest than in one of the character alluded to, the House of Representatives will regard my approval of the bill more as the result of misinformation than any design to abandon or modify the principles laid down in this message. Every system is liable to run into abuse, and none more so than that under consideration, and measures can not be too soon taken by Congress to guard against this evil."

The following is a copy of the bill :

*"An Act making Appropriations for the Improvement of certain Harbors and Rivers.*

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby appropriated, to be paid out of any unappropriated money in the treasury, for the prosecution and completion of the following works, viz. :*

#### **"MAINE.**

"For the completion of the Breakwater at Stamford Ledge, Portland Harbor, \$20,000.

"For the improvement of Kennebeck River, \$10,000.

#### **"MASSACHUSETTS.**

"For the improvement of the principal Ship-channel in the harbor of Boston, \$40,000.

#### **"RHODE ISLAND.**

"For removing obstructions in the navigation of Providence River, at Providence, \$5000.

#### **"CONNECTICUT.**

"For completing the improvements in the channel of the River Thames, leading into Norwich Harbor, \$5000.



“For the repair of the Sea-wall and Breakwater at Black Rock Harbor, \$5000.

#### “NEW YORK.

“For the preservation and improvement of the inlet to Port Jefferson Bay, \$5000.

“For the improvement of the navigation of the Hudson River near Albany, \$50,000.

“For a survey and estimate of the expense of improving the harbor at Port Chester, New York, and a survey and estimate of the expense of improving the navigation of the Alleghany River, \$4000.

“For the further improvement of the harbor at Whitehall, on Lake Champlain, in the State of New York, \$5000.

#### “NEW JERSEY.

“For the removal of obstructions in Newark Bay, at or near the confluence of the Hackensack and Passaic Rivers, \$15,000.

#### “DELAWARE.

“For repairing the piers at Port Penn, \$15,000.

“For repairing the piers and continuing the work at the harbor of Newcastle, \$10,000.

“For continuing the work on the Delaware Breakwater, \$100,000.

#### “MARYLAND.

“For removing obstructions from the harbor at Havre de Grace, \$20,000.

#### “VIRGINIA.

“For the improvement of the harbor at Richmond, \$20,000.

#### “SOUTH CAROLINA.

“For the construction of a dike for closing Hog Island Channel, \$25,000.

#### “GEORGIA.

“For removing obstructions in the navigation of the Savannah River, \$50,000.

## “ALABAMA.

“For the survey of the harbor at Mobile, \$5000.

## “FLORIDA.

“For the survey and improvement of Appalachicola Harbor, \$10,000

## “NORTH CAROLINA.

“For the improvement of the navigation of Cape Fear River, \$20,000.

“Sect. 2. *And be it further enacted*, That the appropriations contained in this act shall be expended under the direction of the Secretary of War.”

When the question was taken on the passage of the bill, “the President’s objections to the contrary notwithstanding,” the vote stood, yeas 104, nays 84, as follows:

Yeas: Messrs. Abbott, Adams, Anderson, Ashe, Baker, Barnard, Milton Brown, William J. Brown, Jeremiah Brown, Baffington, Jeremiah E. Cary, Carroll, Catlin, Causin, Chilton, Clinch, Collamer, Cranston, Dana, Darragh, Garrett Davis, Richard D. Davis, Dean, Dellet, Dickey, Douglas, Ellis, Elmer, Fish, Florence, Foot, Foster, Giddings, Goggin, Byram Green, Grinnell, Grider, Hardin, Harper, Hays, Herrick, Hubbell, Hudson, Washington Hunt, C. J. Ingersoll, J. R. Ingersoll, Irvin, Jenks, P. B. Johnson, J. P. Kennedy, Preston King, D. P. King, Leonard, Lyon, McCauslen, McClelland, McIlvaine, Marsh, Edward J. Morris, Morse, Moseley, Patterson, Phoenix, Pollock, Elisha R. Potter, Emery D. Potter, Pratt, Preston, Purdy, Ramsey, C. M. Reed, Robinson, Rockwell, Rodney, Rogers, Russell, St. John, Semple, Schenck, Senter, Severance, David L. Seymour, Albert Smith, John T. Smith, C. B. Smith, Spence, Stephens, Stetson, A. Stewart, Strong, Summers, Sykes, Thomasson, Tibbatts, Tilden, Tyler, Vance, Van Meter, Vinton, Wentworth, Wheaton, White, Winthrop, and Yost—104.

Nays: Messrs. Arrington, Atkinson, Barringer, Bayly, Benton, Bidlack, E. J. Black, James Black, Bowlin, Boyd, Brengle, Brodhead, A. V. Brown, Burke, Burt, Caldwell, Campbell, Reuben Chapman, A. A. Chapman, Chappell, Clingman, Cobb, Coles, Cullom, Daniel, John W. Davis, Dawson, Deberry, Dillingham, Dromgoole, Farlee, Ficklin, French, Hale, Hammet, Haradson, Henley, Hoge, Hopkins, Houston, Hubard, Hughes, Hungerford, J. B. Hunt, Cave Johnson, Andrew Johnson, G. W. Jones, Kirkpatrick, Labranche, Lucas, Lumpkin, Maclay, McClelland, McConnell, McDowell, McKay, Newton, Norris, Owen, Parmenter, Payne, Rathbun, D. S. Reid, Reding, Relie, Rhett, Ritter, Roberts, Saunders, T. H. Seymour, Simons, Simpson, Slidell, Thomas Smith, Robert Smith, Steenrod, John Stewart, Stiles, Stone, Tucker, Weller, Williams, Woodward, and Joseph A. Wright—84.

So, two thirds not voting in the affirmative, as required by the Constitution of the United States, the bill was *rejected*.

At the same time, Mr. Tyler approved and signed the bill making appropriations for certain *Western Harbors and Rivers*

the appropriations for Western objects and those for Eastern objects having been put into different bills.

In his last annual message Mr. Tyler says :

“The appropriations made by Congress for the improvement of the rivers of the West and of the harbors on the Lakes are in a course of judicious expenditure, under suitable agents, and are destined, it is to be hoped, to realize all the benefits designed to be accomplished by Congress. I can not, however, sufficiently impress upon Congress the great importance of withholding appropriations for improvements which are not ascertained, by previous examination and survey, to be necessary for the shelter and protection of trade from the dangers of storms and tempests. Without this precaution, the expenditures are but too apt to enure to the benefit of individuals, without reference to the only consideration which can render them constitutional, the public interests and the general good.”

At the second session of the twenty-eighth Congress, the last of his term, the House passed a bill making appropriations for the improvement of certain harbors and rivers, which comprehended alike Eastern and Western works. It passed the House on the 28th of February, 1845, by the following vote :

Yeas: Messrs. Abbott, Adams, Baker, Barnard, Bowlin, Brinkerhoff, William J. Brown, Jeremiah Brown, Buffington, Jeremiah E. Cary, Carroll, Chilton, Clinch, Clingman, Darragh, G. Davis, R. D. Davis, J. W. Davis, Dickey, Douglas, Duncan, Ellis, Elmer, Farlee, Fish, Florence, Foot, Foster, French, Giddings, Byram Green, Grinnell, Grider, Edward S. Hamlin, Hardin, Harper, Hays, Hudson, Hughes, Washington Hunt, James B. Hunt, Charles J. Ingersoll, Irvin, Jameson, Jenks, Perley B. Johnson, Andrew Kennedy, John P. Kennedy, Daniel P. King, Lyon, M'Causlen, M'Clelland, M'Dowell, M'Ilvaine, Marsh, Edward Joy Morris, Joseph Morris, Freeman H. Morse, Moseley, Owen, Patterson, Pettit, Phoenix, Pollock, Elisha R. Potter, Emery D. Potter, Pratt, Preston, Ramsey, Raynor, Charles M. Reed, Relfe, Robinson, Rockwell, Rodney, Rogers, St. John, Semple, Schenck, Severance, David L. Seymour, Simons, Albert Smith, John T. Smith, Thomas Smith, Caleb B. Smith, Robert Smith, Steenrod, Andrew Stewart, A. P. Stone, Sykes, Thomasson, Tibbatts, Tilden, Tyler, Vance, Van Meter, Vinton, Weller, Wentworth, Wethered, John White, Winthrop, William Wright, and Joseph A. Wright—105.

Nays: Messrs. Anderson, Arrington, Ashe, Atkinson, Barringer, Bayly, Belser, Benton, Bidlack, Edward J. Black, James Black, James A. Black, Blackwell, Boyd, Brengle, Brodhead, Aaron V. Brown, Milton Brown, Burke, Burt, Caldwell, Campbell, Carpenter, Shepard Cary, Catlin, Reuben Chapman, Augustus A. Chapman, Chappell, Clinton, Cobb, Coles, Cross, Cullom, Daniel, Dawson, Dean, Deberry, Dellet, Dillingham, Dromgoole, Dunlap, Ficklin, Goggin, Willis Green, Hale, Hannibal Hamlin, Hammet, Haralson, Herrick, Hoge, Hopkins, Houston, Hubbard, Hubbell, Hungerford, Cave Johnson, Andrew Johnson, George W. Jones, Preston King, Kirkpatrick, Labranche, Lucas, Lumpkin, M'Clary, M'Cler-

mand, M'Connell, McKay, Isaac E. Morse, Murphy, Newton, Norris, Parmenter, Payne, Peyton, Purdy, Rathbun, David S. Reid, Reding, Rhett, Ritter, Saunders, Thomas H. Seymour, Simpson, Slidell, Spence, J. Stewart, Stiles, J. W. Stone, Taylor, Thompson, Tucker, Wheaton, Benjamin White, Williams, Woodward, Yancey, and Yost—96.

The bill passed the Senate on the last day of the session by the following vote :

Yeas: Messrs. Allen, Ashley, Atchison, Barrow, Bayard, Benton, Buchanan, Choate, Crittenden, Dayton, Dickinson, Dix, Foster, Francis, Hannegan, Haywood, Johnson, Miller, Morehead, Phelps, Porter, Semple, Simmons, Sturgeon, Upham, White, and Woodbridge—27.

Nays: Messrs. Atherton, Bagby, Berrien, Evans, Fairfield, Huger, Jarnegan, Lewis, M'Duffie, Niles, and Woodbury—11.

No more was ever heard of it. Mr. Tyler put it in his pocket.

We come now to the administration of Mr. Polk. We find no allusion in his inaugural address to the subject of internal improvements. In another page we have noted the resolution, re-adopted in 1844 by the Democratic Convention to which he owed his nomination, declaring that the Constitution does not confer upon the general government the power to commence and carry on a general system of internal improvements. To the declaration of principles made by that Convention, Mr. Polk gave in his formal adherence.

It will not, however, be irrelevant in this connection to remark, that among the motives and allurements held out to Texas in behalf of annexation to the United States was the advantage she was to derive in the form of appropriations for internal improvements.

Mr. Donelson, then chargé d'affaires to Texas, in a letter dated March 31st, 1845, addressed to the Hon. M. Allen, attorney general of that republic, urging the expediency of adopting our resolutions, and becoming a part of the Union, says :

“It is objected that Texas, in surrendering her revenue from customs, parts with the ability to put into efficient organization her state government. This objection must result from an undue examination of the expenditures which the United States, on the other hand, will make in the many improvements necessary on the sea-coast of Texas to protect and facilitate her commerce, in the removal of obstructions in her numerous bays and rivers, and in the military organization necessary to guard her extensive frontier against the inroads of a foreign enemy.”

In Mr. Polk's first annual message we find the following passage. It has been referred to as an endorsement by the President of the principle of appropriations for river and harbor improvements, among other "public works," but with what correctness the reader will decide for himself.

"I refer you," says the President, "to the accompanying report of the Secretary of War for information respecting the present situation of the army, and its operations during the past year; the state of our defenses; the condition of the public works; and our relations with the various Indian tribes within our limits or upon our borders. I invite your attention to the suggestions contained in that report in relation to these prominent objects of national interest."

The Secretary of War, in his report which accompanied the President's Message, transmits estimates for river and harbor improvements, which he endorses in the following emphatic language:

"The report from the chief of the Corps of Topographical Engineers, hereto appended, has been prepared with care and industry. It embraces objects of great public concern, and furnishes most desirable information in regard not only to the works upon which expenditures have been made during the last season, but to those which are likely to be prosecuted during the ensuing year. The details of the operations and the results of the past year furnish satisfactory proof of the advantages of confiding the executing, as well as the planning, of works of this character to men of scientific acquirements, professional skill, and practical experience. Such duties are properly assigned to those who, by education, constant study, and long laborious practice, have acquired the requisite qualifications to superintend and properly execute them. The objects brought into view in the report of the Topographical Bureau are not of an exclusively military character; but many of them, however, bear an intimate relation to the defense of the country, and all are regarded as public works directly connected with, and essential to, our external or internal commerce. Most of those works were authorized and undertaken some years ago; but little was done upon them during the past year, in consequence of the failure of the appropriations for that purpose.



“The lakes were almost entirely destitute of natural harbors. Navigation upon them was exposed to imminent perils, and not unfrequently attended with frightful loss of life and property. With the settlement and growth of the Western country, the commerce upon these inland seas has rapidly increased, and its estimated annual amount now exceeds in value the entire exports of the products and manufactures of the United States to all foreign countries. An interest of this magnitude, daily augmenting, in which so many states and so large a portion of our citizens participated, naturally commanded the attention of Congress, and properly received its fostering care. Safe harbors were much needed, and a system of improvements, with a view to provide them, was commenced in 1824. The total amount expended upon these harbors is \$2,861,964. The objects to which these appropriations have been applied, and the amounts of them from 1824 up to the present time, are specified in the annexed report, together with an estimate of the further sums required for the ensuing fiscal year. The works, so far as they have been prosecuted, give abundant assurance that the anticipated advantages will in the end be realized to the fullest extent. It may be proper to remark, that these improvements are not without benefit in a military point of view. Should it ever become necessary to have a naval force upon these lakes, the numerous and commodious harbors thus provided by the aid of the government will contribute to its safety and successful operations. Besides, there are now employed in the commerce of these lakes a great number of large-sized and stoutly-built steamers, which would not have been placed there by individual enterprise but for the safety and accommodation afforded by these harbors. In case of a public emergency, these steamers can be expeditiously converted into effective vessels of war, and rendered subservient to military operations. Nor are the economy and facility of transporting troops, munitions of war, and supplies, to be overlooked in estimating the public advantages of the lake improvements. It is also said that our best seamen are those who have been trained in the navigation of our lakes.

“The number of lake harbor improvements authorized by law is twenty-six. Good harbors have been made where none existed before, and the expenses of construction have not, in the

whole, exceeded the estimates prospectively presented. These results give assurance that the plans were judiciously conceived, and the work economically and skillfully executed.

“The public usefulness of these improvements will be better appreciated when it is considered that by means of them a most dangerous navigation has been rendered comparatively safe, a large shipping interest created upon our lakes, and facilities and shelter afforded to a commerce now estimated at a hundred millions of dollars annually, and increasing with surprising rapidity, in which six states are directly, and all sections of the country incidentally interested.

“Nor is it scarcely less important, in a commercial or military point of view, that the helping hand of improvement should be extended to the natural avenues for conveying the abundant productions of the West to the Gulf of Mexico and the Atlantic coast—the Ohio and the Mississippi on the one side, and the Hudson River on the other. The progress of the work on the two former rivers, having for its main object the removal of obstructions, has been, in a measure, suspended during the past season, means not having been provided at the last session of Congress for that purpose. Looking to the vast interests subserved by this improvement, and to its unquestionable public character, scarcely a doubt is entertained that it will be resumed; estimates for its further prosecution are therefore submitted in the accompanying report of the chief of the Corps of Topographical Engineers. In the same report will also be found an elaborate and interesting exposition of the present condition of the Hudson River; of its importance in regard to commerce and to military movements, as one of the main avenues of communication from the Western States to the seaboard, and the channel through which a considerable portion of the trade between these states and the Atlantic must necessarily pass; of the difficulties which now embarrass its navigation in the vicinity of Albany; of the success of former expenditures, and the plans and probable cost of further improvements, called for by so many and such important public considerations. That part of the report which brings into view the Missouri, the Arkansas, the Red River, and the harbor at St. Louis, exposed to injury by a tendency to a change in the current of the Mississippi at that place, deserves serious consideration. Recent

events, and the opening scenes in the Southwest, have given increased importance to the navigation of the Arkansas and Red Rivers. They open direct communications with an extensive frontier, which requires to be guarded by military posts. The improvement of these rivers, on this account, as well as from considerations of a more general character, is embraced among the public works presented by the Topographical Bureau for the patronage of Congress.

“All the estimates of that bureau are confined to objects upon which the opinions of Congress have been expressed, and upon some of them in repeated instances.”

Colonel Abert, in his report appended to that of the Secretary of War, says:

“Vessels of all kinds and of all sizes are used upon the lakes: and as the navigation requires no inconsiderable knowledge of seamanship, it will be seen that this nursery is not only valuable for the numbers it will produce, but also for the qualifications of those numbers.

“A great proportion of the lake tonnage is in steamboats. These boats are ably commanded, large in size, well manned, and are obliged, from the storms to which they are exposed, not only to be well found, but to be built of great strength. They therefore furnish, at the shortest notice, a means of organizing a most formidable and numerous fleet, capable of bearing an efficient armament, and of transporting numerous bodies of troops, at a moment's warning, to any quarter. A condition of war upon the lake country would necessarily restrict the commerce which now exists there, and would leave a great portion of this fleet in want of employ, ready for the call of government, and supplied with the most able pilots and lake navigators.

“This immense commerce, this vast nursery of seamen, this overwhelming fleet, may with justice be considered as the creation and consequence of these lake harbors; for, without these harbors, the number of large towns which embellish the shores of these lakes would not have been built; the immense population upon their borders, and the extensive cultivation of such numerous tracts of land, would not have taken place; the extensive sale of public lands could not have been made, nor the consequent supply and demand have been created upon which this commerce depends.

“ We see, therefore, from this summary, the immense wealth and prosperity which these harbors have developed, and the immense national interests which require protection—interests of commerce, and interests of national defense ; protection to vast amounts of property, to numbers of lives, and to a powerful, and, indeed, it may be said, to an overwhelming auxiliary in time of war. Now, what is the protection which these vast national interests require ? Harbors—only harbors : means of entering places of security to load and unload, and for shelter in time of storms. Our Atlantic coast, more favorably situated in some respects, calls for protection in the form of costly fortifications and of numerous troops. Our lake coast, as extensive as that of the Atlantic, is deficient in harbors and places of refuge ; it calls comparatively but for small protection in the way of fortifications, but it calls for protection from storms, and for facilities to enter harbors ; these also requiring comparatively but small expenditures, as the total amount appropriated for such objects from the commencement of the system in 1824 to the present time is not more than \$2,861,964 39.”

It is also to be stated that, in the letter of the Secretary of the Treasury furnishing the estimates for the next fiscal year, the estimates for these works were contained.

Such were the auspices under which the twenty-ninth Congress assembled, in respect to appropriations for rivers and harbors.

At an early period in the first session of that Congress, Mr. Tibbatts, of Kentucky, from the Committee on Commerce, reported a bill making appropriations for the improvement of certain harbors and rivers. It was debated at great length, and, on the 20th of March, 1846, passed the House by the following vote :

Yeas: Messrs. Abbott, J. Q. Adams, Arnold, Ashmun, Baker, Blanchard, Bowlin, Brinckerhoff, Buffington, William W. Campbell, John H. Campbell, Carroll, Cathcart, John G. Chapman, Chipman, Constable, Crauston, Culver, Cunningham, Darragh, G. Davis, Delano, De Mott, Dixon, Douglas, Dunlap, Ellsworth, John H. Ewing, Faran, Foot, Foster, Fries, Garvin, Giddings, Giles, Goodyear, Grider, Grinnell, Hampton, Harper, Henley, Herrick, E. B. Holmes, Hough, J. W. Houston, Samuel D. Hubbard, Hungerford, Washington Hunt, J. B. Hunt, C. J. Ingersoll, J. R. Ingersoll, Jenkins, D. P. King, T. B. King, Leib, Lewis, Levin, Ligon, McClelland, Joseph J. McDowell, McGaughey, McIlvaine, Marsh, Miller, Morris, Moseley, Niven, Parish, Pendleton, Perrill, Pollock, Ramsey, Rathbun, Relfe, Julius Rockwell, John A. Rockwell, Russell, Sawyer, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Thomas Smith, Caleb B. Smith, Robert Smith, Stanton, Starkweather



Stewart, St. John, Strohm, Strong, Sykes, Thomasson, Benjamin Thompson, James Thompson, Thurman, Tibbatts, Tilden, Trumbo, Vinton, Wentworth, White, Wick, Winthrop, Wood, Wright, Yell, and Young—109.

Nays: Messrs. Stephen Adams, Anderson, Atkinson, Barringer, Bayly, Bedinger, Bell, Benton, Biggs, James Black, James A. Black, Boyd, Brockenbrough, Milton Brown, William G. Brown, Burt, Renben Chapman, Chase, Clarke, Cobb, Cocke, Collin, Crozier, Cullom, Cummins, Daniel, Dargan, Jefferson Davis, Dillingham, Dobbin, Dockery, Erdman, E. H. Ewing, Ficklin, Gentry, Gordon, Graham, Grover, Hamlin, Haralson, Harmanson, Hilliard, Isaac E. Holmes, Hopkins, G. S. Houston, Edmund W. Hubbard, Hunter, James H. Johnson, Joseph Johnson, Andrew Johnson, G. W. Jones, Seaborn Jones, Preston King, Lawrence, Leake, La Sere, Lumpkin, Maclay, McClean, McClelland, McConnell, McCrate, James McDowell, McKay, John P. Martin, Barclay Martin, Morse, Moulton, Owen, Payne, Perry, Phelps, Price, Reid, Rhett, Ritter, Roberts, Sawtelle, Scammon, Seddon, Alexander D. Sims, Leonard H. Sims, Simpson, Jacob Thompson, Tredway, Wheaton, Williams, Wilmot, Woodward, Woodworth, Yancy, and Yost—92.

In the Senate the bill underwent some discussion, but was finally ordered to a third reading, in the precise form in which it had come from the House, by the following vote:

Yeas: Messrs. Allen, Ashley, Barrow, Benton, Berrien, Breeze, Cameron, Cass, Thomas Clayton, John M. Clayton, Corwin, Davis, Dayton, Dickinson, Dix, Greene, Hannegan, Huntington, Jarnegan, Johnson of Maryland, Johnson of Louisiana, Miller, Morehead, Pearce, Phelps, Rusk, Semple, Sevier, Simmons, Speight, Sturgeon, Upham, Webster, and Woodbridge—34.

Nays: Messrs. Archer, Atherton, Bagby, Calhoun, Chalmers, Cilley, Fairfield, Haywood, Houston, Lewis, Mangum, Niles, Pennybacker, Turney, Westcott, and Yulee—16.

And, on the same day, by general consent, the bill was read a third time and passed.

That the reader may see what its character was, we take it from the journal:

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a sum of money be, and the same is hereby appropriated, to be paid out of any unappropriated money in the treasury, sufficient for the following purposes, viz.:*

1836. J.\*—For the continuation of the Breakwater Structure at Burlington, on Lake Champlain, \$15,000.

1836. J.—For the continuation of the Breakwater Structure at Plattsburg, on Lake Champlain, \$15,000.

1836. J.—For the repairs and working of the Steam Dredge on Lake Champlain, \$9000.

For the improvement of the harbor at Port Ontario, on Lake Ontario, \$10,000.

1831. J.—For the improvement of the harbor at Oswego, on Lake Ontario, \$30,000.

1830. J.—For the improvement of Big Sodus Bay, on Lake Ontario, \$5000.

For the improvement of Little Sodus Bay, on Lake Ontario, \$5000.

1830. J.—For the improvement of the harbor at the mouth of Genesee River, on Lake Ontario, \$20,000.

\* J. stands for Jackson, intimating his approval of the items in the year designated.



1836. J.—For the improvement of the Oak Orchard Harbor, State of New York.  
\$7000.  
For the construction of a Dredge Boat for Lake Ontario and River St. Lawrence, \$20,000.
1831. J.—For repairing and improving the harbor at Buffalo, on Lake Erie, and the continuation of the Sea-wall for the protection of the same,  
\$50,000.
1830. J.—For improving the harbor at Dunkirk, on Lake Erie, \$15,000.  
For improving the harbor at Erie, on Lake Erie, \$40,000.
1830. J.—For improving Grand River Harbor, on Lake Erie, \$10,000.
1832. J.—For improving Ashtabula Harbor, on Lake Erie, \$10,000.
1830. J.—For improving the harbor at Cleveland, on Lake Erie, \$20,000.
1830. J.—For improving the harbor at Huron, on Lake Erie, \$5000.  
For improving the harbor at Sandusky City, on Lake Erie, \$11,000.
1836. J.—For improving the River Raisin Harbor, on Lake Erie, \$13,000.
1836. J.—For constructing a Dredge Boat to be used on Lake Erie, \$20,000.
1831. J.—For the improvement of the St. Clair Flats, so called, so as to prevent their obstructing the passage of vessels from Buffalo to the ports on Lake Michigan, \$40,000.
1830. J.—For improving the Grand River Harbor, on Lake Michigan, so as to give protection to vessels sailing on said lake, \$10,000.  
For improving the harbor at the mouth of Kalamazoo River, on Lake Michigan, so as to give protection to vessels sailing on said lake, \$10,000.
1836. J.—For improving the harbor at St. Joseph, on Lake Michigan, \$10,000.
1831. J.—For improving the harbor at Michigan City, on Lake Michigan, \$10,000.  
For the improvement of Little Fort Harbor, on Lake Michigan, \$12,000.  
For improving the harbor at Racine, on Lake Michigan, \$15,000.  
For improving the harbor at Southport, on Lake Michigan, \$10,000.
1836. J.—For improving the harbor at Milwaukee, on Lake Michigan, \$20,000.
1836. J.—For improving the harbor at Chicago, on Lake Michigan, \$12,000.  
For constructing a Dredge Boat to be used on Lake Michigan, \$15,000.
1836. J.—For improving the harbor at St. Louis, \$75,000.
1836. J.—For constructing a Breakwater Structure at Stamford Ledge, Maine,  
\$20,000.
1832. J.—For improving the harbor of Boston, \$40,000.
1836. J.—For continuing the works at Bridgeport, Connecticut, \$15,000.  
For removing the obstruction at the Crook in the harbor of Providence, Rhode Island, \$5000.
1830. J.—For improving the harbor at Newcastle, Delaware, \$15,000.
1830. J.—For improving the harbor at Port Penn, Delaware, \$5000.
1830. J.—For completing the Delaware Breakwater, \$75,000.  
For removing obstructions in Newark Bay, New Jersey, \$15,000.
1836. J.—For improving the harbor at Baltimore City, \$20,000.  
For the improvement of the harbor at Havre de Grace, Maryland,  
\$20,000.
1832. J.—For the improvement of Savannah Harbor and the Naval Anchorage near Fort Pulaski, \$50,000.
1832. J.—For the improvement of the Great Wood Hole Harbor, Massachusetts,  
\$4450.
1836. J.—For the continuing the improvements of the navigation of the Hudson River, above and below Albany, in the State of New York, \$75,000.
1837. J.—For the improvement of the Ohio River above the Falls at Louisville,  
\$80,000.

1830. J.—For the improvement of the Ohio River below the Falls at Louisville, and of the Mississippi, Missouri, and Arkansas Rivers, \$240,000.

1832. J.—For removing the raft of Red River, and for the improvement of said river, \$80,000.

For repairs and preservation of Harbor Works heretofore constructed on the Atlantic coast, \$20,000."

The greater number of improvements contemplated in this bill are the identical objects for which appropriations were made during the administration of General Jackson, as will be seen by reference to Colonel Abert's report.

The bill was presented to the President, and vetoed by him. In another place some interesting particulars will be found, not appropriate here, but which the reader should not overlook. [See title, JOHN WENTWORTH.] The reasons for the veto are thus stated by the President:

*"To the House of Representatives:*

"I have considered the bill entitled 'An Act making Appropriations for the Improvement of certain Harbors and Rivers' with the care which its importance demands, and now return the same to the House of Representatives, in which it originated, with my objections to its becoming a law. The bill proposes to appropriate one million three hundred and seventy-eight thousand, four hundred and fifty dollars, to be applied to more than forty distinct and separate objects of improvement. On examining its provisions, and the variety of objects of improvement which it embraces, many of them of a local character, it is difficult to conceive, if it shall be sanctioned and become a law, what practical constitutional restraint can hereafter be imposed upon the most extended system of internal improvements by the federal government in all parts of the Union. The Constitution has not, in my judgment, conferred upon the federal government the power to construct works of internal improvement within the states, or to appropriate money from the treasury for that purpose. That this bill assumes for the federal government the right to exercise this power, can not, I think, be doubted. The approved course of the government, and the deliberately-expressed judgment of the people, have denied the existence of such a power under the Constitution. Several of my predecessors have denied its existence in the most solemn forms.

“The general proposition that the federal government does not possess this power is so well settled, and has for a considerable period been so generally acquiesced in, that it is not deemed necessary to reiterate the arguments by which it is sustained. Nor do I deem it necessary, after the full and elaborate discussions which have taken place before the country on this subject, to do more than state the general considerations which have satisfied me of the unconstitutionality and inexpediency of the exercise of such a power.

“It is not questioned that the federal government is one of limited powers. Its powers are such, and such only, as are expressly granted in the Constitution, or are properly incident to the expressly granted powers, and necessary to their execution. In determining whether a given power has been granted, a sound rule of construction has been laid down by Mr. *Madison*. That rule is, that ‘whenever a question arises concerning a particular power, the first question is, whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be, whether it is properly an incident to an expressed power, and necessary to its execution. If it be, it may be exercised by Congress; if it be not, Congress can not exercise it.’ It is not pretended that there is any express grant in the Constitution conferring on Congress the power in question. Is it, then, an incidental power necessary and proper for the execution of any of the granted powers? All the granted powers, it is confidently affirmed, may be effectually executed without the aid of such an incident. ‘A power, to be incidental, must not be exercised for ends which make it a principal or substantive power, independent of the principal power to which it is an incident.’ It is not enough that it may be regarded by Congress as *convenient*, or that its exercise would advance the public weal. It must be *necessary and proper* to the execution of the principal expressed power to which it is an incident, and without which such principal power can not be carried into effect. The whole frame of the federal Constitution proves that the government which it creates was intended to be one of limited and specified powers. A construction of the Constitution so broad as that by which the power in question is defended, tends imperceptibly to a consolidation of power in a government intended by

its framers to be thus limited in its authority. 'The obvious tendency and inevitable result of a consolidation of the states into one sovereignty would be to transform the republican system of the United States into a monarchy.' To guard against the assumption of all powers which encroach upon the reserved sovereignty of the states, and which consequently tend to consolidation, is the duty of all the true friends of our political system. That the power in question is not properly an incident to any of the granted powers, I am fully satisfied; but if there were doubts on this subject, experience has demonstrated the wisdom of the rule that all the functionaries of the federal government should abstain from the exercise of all questionable or doubtful powers. If an enlargement of the powers of the federal government should be deemed proper, it is safer and wiser to appeal to the states and the people in the mode prescribed by the Constitution for the grant desired, than to assume its exercise without an amendment of the Constitution. If Congress does not possess the general power to construct works of internal improvement within the states, or to appropriate money from the treasury for that purpose, what is there to exempt some, at least, of the objects of appropriation included in this bill from the operation of the general rule? This bill assumes the existence of the power, and in some of its provisions asserts the principle that Congress may exercise it as fully as though the appropriations which it proposes were applicable to the construction of roads and canals. If there be a distinction in principle, it is not perceived, and should be clearly defined. Some of the objects of appropriation contained in this bill are local in their character, and lie within the limits of a single state; and though, in the language of the bill, they are called *harbors*, they are not connected with foreign commerce, nor are they places of refuge or shelter for our navy or commercial marine on the ocean or lake shores. To call the mouth of a creek, or a shallow inlet on our coast, a harbor, can not confer the authority to expend the public money in its improvement. Congress have exercised the power, coeval with the Constitution, of establishing light-houses, beacons, buoys, and piers on our ocean and lake shores, for the purpose of rendering navigation safe and easy, and of affording protection and shelter for our navy and other shipping. These are safeguards

placed in existing channels of navigation. After the long acquiescence of the government through all preceding administrations, I am not disposed to question or dispute the authority to make appropriations for such purposes.

“ When we advance a step beyond this point, and in addition to the establishment and support, by appropriations from the treasury, of light-houses, beacons, buoys, piers, and other improvements within the bays, inlets, and harbors on our ocean and lake coasts immediately connected with our foreign commerce, and attempt to make improvements in the interior at points unconnected with foreign commerce, and where they are not needed for the protection and security of our navy and commercial marine, the difficulty arises in drawing a line beyond which appropriations may not be made by the federal government.

“ One of my predecessors, who saw the evil consequences of the system proposed to be revived by this bill, attempted to define this line by declaring that ‘ expenditures of this character’ should be ‘ confined *below* the ports of entry or delivery established by law.’ Acting on this restriction, he withheld his sanction from a bill which had passed Congress, ‘ to improve the navigation of the Wabash River.’ He was, at the same time, ‘ sensible that this restriction was not as satisfactory as could be desired, and that much embarrassment may be caused to the executive department in its execution by appropriations for remote and not well-understood objects.’ This restriction, it was soon found, was subject to be evaded and rendered comparatively useless in checking the system of improvements which it was designed to arrest, in consequence of the facility with which ports of entry and delivery may be established by law upon the upper waters, and in some instances almost at the head-springs of some of the most unimportant of our rivers, and at points on our coast possessing no commercial importance, and not used as places of refuge and safety by our navy and other shipping. Many of the ports of entry and delivery now authorized by law, so far as foreign commerce is concerned, exist only in the statute-books. No entry of foreign goods is ever made, and no duties are ever collected at them. No exports of American products bound for foreign countries ever clear from them. To assume that their existence in the stat-



ute-book as ports of entry or delivery warrants expenditures on the waters leading to them which would be otherwise unauthorized, would be to assert the proposition that the law-making power may ingraft new provisions on the Constitution. If the restriction be a sound one, it can only apply to the bays, inlets, and rivers connected with, or leading to such ports as actually have foreign commerce: ports at which foreign importations arrive in bulk, paying the duties charged by law, and from which exports are made to foreign countries. It will be found, by applying the restriction thus understood to the bill under consideration, that it contains appropriations for more than twenty objects of internal improvement, called in the bill *harbors*, at places which have never been declared by law either ports of entry or delivery, and at which, as appears from the records of the treasury, there has never been an arrival of foreign merchandise, and from which there has never been a vessel cleared for a foreign country. It will be found that many of these works are new, and at places for the improvement of which appropriations are now for the first time proposed. It will be found, also, that the bill contains appropriations for rivers upon which there not only exists no foreign commerce, but upon which there has not been established even a paper port of entry, and for the mouths of creeks, denominated harbors, which, if improved, can benefit only the particular neighborhood in which they are situated. It will be found, too, to contain appropriations, the expenditure of which will only have the effect of improving one place at the expense of the local, natural advantages of another in its vicinity. Should this bill become a law, the same *principle* which authorizes the appropriations which it proposes to make would also authorize similar appropriations for the improvement of all the other bays, inlets, and creeks which may, with equal propriety, be called harbors, and of all the rivers, important or unimportant, in every part of the Union.

“To sanction the bill with such provisions would be to concede the *principle* that the federal government possesses the power to expend the public money in a general system of internal improvements, limited in its extent only by the ever-varying discretion of successive Congresses and successive executives.

“It would be to efface and remove the limitations and restrictions of power which the Constitution has wisely provided, to limit the authority and action of the federal government to a few well-defined and specified objects. Besides these objections, the practical evils which must flow from the exercise, on the part of the federal government, of the powers asserted in this bill, impress my mind with a grave sense of my duty to avert them from the country as far as my constitutional action may enable me to do so.

“It not only leads to a consolidation of power in the federal government at the expense of the rightful authority of the states, but its inevitable tendency is to embrace objects for the expenditure of the public money which are local in their character, benefiting but few at the expense of the common treasury of the whole. It will engender sectional feelings and prejudices calculated to disturb the harmony of the Union. It will destroy the harmony which should prevail in our legislative councils. It will produce combinations of local and sectional interests strong enough, when united, to carry propositions for appropriations of public money, which could not of themselves, and standing alone, succeed, and can not fail to lead to wasteful and extravagant expenditures.

“It must produce a disreputable scramble for the public money, by the conflict which is inseparable from such a system, between local and individual interests and the general interest of the whole. It is unjust to those states which have, with their own means, constructed their own internal improvements, to make from the common treasury appropriations for similar improvements in other states.

“In its operation it will be oppressive and unjust toward those states whose representatives and people either deny or doubt the existence of the power, or think its exercise inexpedient, and who, while they equally contribute to the treasury, can not, consistently with their opinions, engage in the general competition for a share of the public money.

“Thus a large portion of the Union in numbers and in geographical extent, contributing its equal proportion of taxes to the support of the government, would, under the operation of such a system, be compelled to see the national treasure—the common stock of all—unequally disbursed, and often improvidently

wasted for the advantage of small sections, instead of being applied to the great national purposes in which all have a common interest, and for which alone the power to collect the revenue was given. Should the system of internal improvements proposed prevail, all these evils will multiply and increase with the increase of the number of the states, and the extension of the geographical limits of the settled portions of our country.

“With the increase of our numbers and the extension of our settlements, the local objects demanding appropriations of the public money for their improvement will be proportionately increased. In each case the expenditure of the public money would confer benefits, direct or indirect, only on a section, while these sections would become daily less in comparison with the whole.

“The wisdom of the framers of the Constitution in withholding power over such objects from the federal government, and leaving them to the local governments of the states, becomes more and more manifest with every year’s experience of the operations of our system.

“In a country of limited extent, with but few such objects of expenditure (if the form of government permitted it), a common treasury might be used for their improvement with much less inequality and injustice than in one of the vast extent which ours now presents in population and territory.

“The treasure of the world would hardly be equal to the improvement of every bay, inlet, creek, and river in our country which might be supposed to promote the agricultural, manufacturing, or commercial interests of a neighborhood.

“The federal Constitution was wisely adapted in its provisions to any expansion of our limits and population; and with the advance of the confederacy of the states in the career of national greatness, it becomes the more apparent that the harmony of the Union, and the equal justice to which all its parts are entitled, require that the federal government should confine its action within the limits prescribed by the Constitution to its power and authority. Some of the provisions of this bill are not subject to the objections stated, and did they stand alone I should not feel it to be my duty to withhold my approval.

“If no constitutional objections existed to the bill, there are others of a serious nature which deserve some consideration.

It appropriates between one and two millions of dollars for objects which are of no pressing necessity; and this is proposed at a time when the country is engaged in a foreign war, and when Congress, at its present session, has authorized a loan, or the issue of treasury notes, to defray the expenses of the war, to be resorted to if the 'exigencies of the government shall require it.' It would seem to be the dictate of wisdom under such circumstances to husband our means, and not to waste them on comparatively unimportant objects, so that we may reduce the loan or issue of treasury notes which may become necessary to the smallest practicable sum. It would seem to be wise, too, to abstain from such expenditures, with a view to avoid the accumulation of a large public debt, the existence of which would be opposed to the interests of our people, as well as to the genius of our free institutions.

"Should this bill become a law, the principle which it establishes will inevitably lead to large and annually-increasing appropriations and claims upon the treasury, for it is not to be doubted that numerous other localities not embraced in its provisions, but quite as much entitled to the favor of the government as those which are embraced, will demand, through their representatives in Congress, to be placed on an equal footing with them. With such an increase of expenditure must necessarily follow either an increased public debt or increased burdens upon the people by taxation, to supply the treasury with the means of meeting the accumulated demands upon it.

"With profound respect for the opinions of Congress, and ever anxious, as far as I can consistently with my responsibility to our common constituents, to co-operate with them in the discharge of our respective duties, it is with unfeigned regret that I find myself constrained, for the reasons which I have assigned, to withhold my approval from this bill.

"JAMES K. POLK.

*"WASHINGTON, August 3, 1846"*

On the fourth of August the bill was reconsidered by the House in the usual form, after a debate in which much feeling was exhibited on both sides. There are portions of it which, as interesting items in the history of the bill, it will be proper to cite:

"Mr. James Thompson said he had beheld with astonishment



the gentleman from Virginia [Mr. Dromgoole] speak of the thrill of pleasure he experienced on hearing the reading of the veto message.

“Mr. Thompson said he could not understand the moral constitution of the man who could thus feel, who could experience a thrill of delight to hear denied the great principles of policy established by the founders of the government, and sustained and supported by our greatest and best men. For his part, he felt a very different sentiment—he felt the deepest regret. The veto, as he understood it, denied the whole power asserted by this bill—the power to improve the harbors on the lakes, or to remove obstructions in rivers. He would call upon the West to oppose this veto, because, if its doctrines be sustained, it would put an end forever to all such measures. He would call upon gentlemen on this side of the House steadily to maintain their position on this subject. The veto, as he understood it, denied the constitutionality of the measure, excepting for objects on the seacoast. It covered the whole ground of opposition to improvements such as were in the bill. This seemed to him strange. The President had sent into the House, with his annual message, estimates for the construction of most of these very works now declared unconstitutional by this veto. He said he had relied on these official estimates as the views of the administration, and now they were to be disregarded. He had been informed that these very estimates, sent in from the department, had been submitted to, and approved by the President. Why did he disregard them now? In addition to all this, he would like to know if the President had not expressed to certain members of this House his approbation of this bill? He would call on the chairman of the Committee on Commerce [Mr. McClelland] to say whether he had not called on the President in regard to it, and learned his approval of it. He said he desired a reply.

“Mr. McClelland did not answer.

“Mr. Thompson said, if the gentleman did not answer, he would assert the fact to be so, and would also call on the gentleman from Maryland [Mr. Constable] to know if he, too, had not called on the President, and received a satisfactory answer.

“Mr. Payne interposed, and wished to know whether the gentleman from Pennsylvania wished to be understood as say-



ing that the chairman of the Committee on Commerce [Mr. McClelland] took this bill to the President of the United States, or that the gentleman from Maryland [Mr. Constable] took this bill to the President of the United States, exhibited it to him, item by item, and that the President of the United States assented to their correctness.

“Mr. Thompson said he asked the question if he had not called on the President in regard to the bill.

“Mr. Thurman rose to a point of order, and raised the point that it was not in order to refer to conversations with the President.

“The speaker overruled the point of order.

“Mr. McClelland said he did not understand the gentleman from Pennsylvania [Mr. Thompson] as the gentleman from Alabama [Mr. Payne] seemed to have understood him—to inquire whether he [Mr. McClelland] did not present this bill, or its different items, to the President of the United States. Now he would state that he did not consider himself bound, nor did he consider it proper, here to state any conversation that had taken place between the President of the United States and himself in regard to this matter. He considered all the communications he had had with the President of the United States in relation to this subject as confidential. He would state though, so far as that was concerned, that at any consultation he had had with the President, he had not the bill with him.

“Mr. Constable (Mr. Thompson further yielding) remarked that he was very much surprised at the question of the gentleman from Pennsylvania, as he had no intimation of his purpose to ask it; and that, so far from that gentleman's having received any such information from him, they had never exchanged a word upon the subject; but that, since the general form of the question proposed to the gentleman from Michigan, and repeated to him, had forced from him a disclaimer, he felt bound now to say that he had never seen the bill until it was introduced into the House, and knew nothing of its items, not being a member of the committee. Some considerable time before the bill was reported, he had exchanged a few words with the President upon a single matter connected with the subject of this bill, during which the President had made a remark from which he [Mr. Constable] had inferred that the President was friendly

to the item, and he still so believed, as there was nothing in the veto message, as he understood it, inconsistent with the inference he had drawn from the remark of the President. So far from his having conferred with the President upon this bill, either before or after its passage, he had but a single interview with him, and that was entirely confined to an item which was not included in the bill reported by the committee.

“Mr. M'Clelland further said he wished to say that he positively and unequivocally declined to give any answer to the inquiry the gentleman from Pennsylvania [Mr. Thompson] had put.

“A member (to Mr. Thompson). ‘You ought to withdraw the imputation.’

“Mr. Thompson (continuing) said he had made no imputation; he only asked a question. If there was any imputation in the question, he could not avoid it.

“A member. ‘You are bound in honor to withdraw the imputation, because it is not proved.’

“Mr. Thompson said he would leave that to the House, whether proved or not. If a witness would not answer, we all knew what the inference was. As to his honor, he said he knew how to take care of that; he would protect it in his own way. He said that Colonel Abert's report was submitted to the House in regard to the great majority of these improvements, and he understood from that officer that the matter had been submitted to the President, and it had received his approval. He asked why all this, if all the time he had constitutional doubts and difficulties? Was it with a view to other matters? to other measures? Was he silent in relation to this bill on account of another measure? Another thing he would state that was strange. The ‘Union’ had come out, the day before the final vote in the House on the tariff, in favor of this bill, then in the hands of the President; the day after, it came out against it!

“A member. ‘The editor explained that.’

“Mr. Thompson said he had seen the explanation. It was a poor excuse. Did he not know his own editorial? And did he not read his own revises? But whether or not, the fact was so; the explanation came after the Tariff Bill was passed. He said gentlemen seemed surprised at his remarks. He claimed

the right, as an independent man, to say whatever he thought it his duty to say, even if in terms of disapprobation. What! a constituent not a right to speak freely of his representative—to disapprove him if he believed he deserved it? He said he had labored hard to elect Mr. Polk, and he would support him when he was right; but he knew of no responsibility that would deter him from making such comments in regard to his course as he believed himself justified in making, and condemning him if he believed him wrong. He conceived it extraordinary that, with all the evidence showing the President's acquiescence in the works provided for in this bill, he at the same time denied the power of Congress to make such improvements, and that no intimation of it was ever given until this time. He did not wish to be misunderstood. He was not going to come out against the President, as such, notwithstanding the interests of his own state were almost in ruins by an act of Congress sanctioned by him. He would support him when he thought him right, and condemn him when he thought him wrong. He repeated, he did not wish to be misrepresented. As he would misrepresent no one, he would permit no one to misrepresent him. The veto he was opposed to. No more works on the lakes and rivers could be completed under such views; no more could be undertaken, and those in progress must go to ruin. To lie one winter exposed in an unfinished state, as at present, would, on the lakes alone, insure a loss of two hundred thousand dollars; and if suspended during the existence of this administration, would be utterly useless. After a vote by so large a majority of this House in favor of the bill, and more than two thirds of the Senate, it required courage to veto it; and this, too, when the veto rested upon an abstraction to which Washington, Jefferson, Madison, Monroe, Jackson, Van Buren, and Mr. Polk himself, he might say, was opposed; one that must ruin the commerce of the lakes and rivers by putting an end to their improvement. In conclusion, he would appeal to the West to stand by the bill; to New York, surrounded as she was by important works provided for in it, not to yield up their interests so long approved of; and to gentlemen on this side of the House who voted for the bill, not to let any desire to see an infliction in a certain quarter prevent them from voting for the bill."

When the question was taken, "Shall this bill become a law, the objections of the President to the contrary notwithstanding," the vote stood as follows :

Yeas : Messrs. Abbott, John Quincy Adams, Arnold, Ashmun, Blanchard, Bowlin, Brinckerhoff, William W. Campbell, John H. Campbell, Carroll, Cathcart, John G. Chapman, Chipman, Constable, Crauston, Culver, Garrett Davis, De Mott, Dixon, Douglas, Edsall, Ellsworth, John H. Ewing, Faran, Foot, Foster, Giles, Goodyear, Grider, Grinnell, Hampton, Harper, Henley, Elias B. Holmes, Hough, John W. Houston, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, James B. Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Jenkins, Daniel P. King, Thomas Butler King, Leib, Lewis, Levin, Ligon, Long, M'Clelland, Joseph J. M'Dowell, M'Gaughey, M'Henry, M'Ilvaine, Marsh, Miller, Morris, Moseley, Niven, Pettit, Pollock, Ramsey, Rathbun, Relfe, Julius Rockwell, John A. Rockwell, Root, Runk, Schenck, Seaman, Severance, Truman Smith, Albert Smith, Thomas Smith, Caleb B. Smith, Stanton, Stewart, St. John, Strohm, Sykes, Thibodeaux, Thomasson, Benjamin Thompson, James Thompson, Thurman, Tibbatts, Tilden, Trumbo, Vinton, Wentworth, White, Winthrop, Wood, Wright, and Young—97.

Nays : Messrs. Stephen Adams, Anderson, Atkinson, Barringer, Bayly, Bedinger, Benton, Biggs, James Black, James A. Black, Boyd, Brockenbrough, Brodhead, Burt, Reuben Chapman, Chase, Clarke, Cobb, Collin, Crozier, Cullom, Cunningham, Daniel, Dobbin, Dockery, Dromgoole, Dunlap, Erdman, Ficklin, Garvin, Gordon, Graham, Grover, Hamlin, Haralson, Harmanson, Hilliard, Hoge, Isaac E. Holmes, Hopkins, George S. Houston, Edmund W. Hubbard, Hunter, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Kaufman, Preston King, Lawrence, Leake, Lumpkin, Maclay, M'Clean, M'Clermand, M'Connell, M'Crate, James M'Dowell, M'Kay, Barclay Martin, Morse, Moulton, Norris, Owen, Parish, Payne, Perry, Phelps, Pillsbury, Reid, Rhett, Ritter, Roberts, Sawtelle, Sawyer, Scanmon, Seddon, Alexander D. Sims, Leonard H. Sims, Simpson, Strong, Toombs, Towns, Tredway, Wick, Williams, Wilmot, Woodward, Woodworth, and Yost—91.

So, two thirds not voting in the affirmative, as required by the Constitution of the United States, the bill was rejected.

On the 13th of July, while the bill last mentioned was pending between the two houses, the Senate passed a bill making appropriations for the improvement of the Ohio, Mississippi, Missouri, and Arkansas Rivers. The vote on its third reading stood as follows :

Yeas : Messrs. Allen, Archer, Ashley, Barrow, Benton, Breeze, Bright, Calhoun, Cass, Chalmers, Thomas Chyton, Corwin, Crittenden, Davis, Dayton, Greene, Hannegan, Houston, Huntington, Jarnegan, Johnson of Maryland, Johnson of Louisiana, Miller, Morehead, Rusk, Semple, Simmons, Speight, Sturgeon, Upham, Webster, and Woodbridge—32.

Nays : Messrs. Atherton, Bagby, Cilley, Dickinson, Dix, Fairfield, Haywood, Niles, Phelps, Turney, Westcott, and Yulee—12.

On the following day the bill was sent to the House, and was read a first time for information ; and, opposition having been made to it, the question, under the one hundred and fiftieth rule,



was stated, "Shall the bill be rejected?" All debate was cut off by the previous question, and the vote stood as follows :

Yeas: Messrs. Abbott, John Quincy Adams, Stephen Adams, Arnold, Ashmun, Barringer, Bell, Benton, Biggs, James Black, James A. Black, Blanchard, Brockenbrough, Brodhead, William G. Brown, William W. Campbell, John H. Campbell, Cathcart, John G. Chapman, Augustus A. Chapman, Reuben Chapman, Chipman, Clarke, Cobb, Collin, Cranston, Cullom, Culver, Darragh, De Mott, Dillingham, Dixon, Dobbin, Dockery, Dromgoole, Dunlap, Edsall, Ellsworth, Erdman, Foot, Garvin, Giddings, Giles, Goodyear, Gordon, Grinnell, Grover, Hamlin, Hampton, Haralson, E. B. Holmes, Hopkins, Hough, J. W. Houston, G. S. Houston, E. W. Hubbard, S. D. Hubbard, Hudson, Hunter, Joseph R. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Daniel P. King, Preston King, Thomas Butler King, Leake, Leib, Lewis, Levin, Ligon, Long, Maclay, McClean, McClelland, McConnell, McCrate, James McDowell, McIlvaine, McKay, Marsh, John P. Martin, Barclay Martin, Miller, Moseley, Moulton, Niven, Norris, Payne, Rathbun, Reid, Julius Rockwell, John A. Rockwell, Root, Sawtelle, Sawyer, Scanmon, Seaman, Severance, Alexander D. Sims, Truman Smith, Albert Smith, Strohm, Strong, Sykes, James Thompson, Tilden, Tredway, Vance, Wentworth, Wheaton, White, Williams, Wilmot, Winthrop, Woodruff, Wright, and Yost—118.

Nays: Messrs. Bowlin, Boyd, Milton Brown, Burt, Cocke, Crozier, Cunningham, Garrett Davis, Douglas, J. H. Ewing, Edwin H. Ewing, Faran, Ficklin, Foster, Fries, Gentry, Grider, Henley, Hoge, Isaac E. Holmes, Charles J. Ingersoll, Kaufman, La Sere, McClelland, J. J. McDowell, McHenry, Morris, Owen, Parish, Phelps, Pillsbury, Relfe, Roberts, Leonard H. Sims, Thomas Smith, Robert Smith, Stanton, Starkweather, Stephens, Stewart, Thomasson, Jacob Thompson, Thurman, Tibbatts, Trumbo, Vinton, Wick, and Young—48.

The bill, therefore, was rejected.

At the following session—*i. e.*, the second session of the twenty-ninth Congress—another bill was passed for similar objects, under the title of "An Act to provide for continuing certain Works in the Territory of Wisconsin, and for other Purposes." A bill, under the usual title, making appropriations for the improvement of certain rivers and harbors, was introduced, on leave, at an early day in the session by Mr. McClelland, and was referred to the Committee on Commerce, of which he was chairman. An amendatory bill was subsequently reported back by him, and was passed under the title we have mentioned. It was, in its essential features, the same as the vetoed bill of the last session. There were, however, a few changes and modifications, and a great reduction, in many cases, of the amounts appropriated to particular items. The bill passed the House by the following vote :

Yeas: Messrs. Abbott, Arnold, Ashmun, Blanchard, Bowlin, Buffington, William W. Campbell, Carroll, Cathcart, Collamer, Cranston, Darragh, Garrett Davis, Delano, De Mott, Douglas, Edsall, Ellsworth, Faran, Foot, Foster, Giddings, Giles,



Goodyear, Grider, Grinnell, Hale, Hampton, Harper, Hastings, Henley, Henry, Elias B. Holmes, Hough, John W. Houston, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, James B. Hunt, J. R. Ingersoll, Jenkins, D. P. King, T. B. King, Leffler, Lewis, Long, M'Clelland, M'Daniel, Joseph J. M'Dowell, M'Henry, M'Irvine, Marsh, Miller, Morris, Moseley, Newton, Pollock, Relfe, Ripley, Julius Rockwell, John A. Rockwell, Root, Runk, Russell, Seaman, Truman Smith, Albert Smith, Thomas Smith, Robert Smith, Stewart, St. John, Strohm, Sykes, Thibodeaux, Thomasson, Benjamin Thompson, James Thompson, Tibbatts, Tilden, Trumbo, Vance, Vinton, Wentworth, White, Winthrop, Wood, Wright, and Young—89.

Nays: Messrs. Stephen Adams, Atkinson, Barringer, Bell, Benton, Biggs, James Black, James A. Black, Bowden, Boyd, Brockenbrough, Brodhead, Milton Brown, William G. Brown, Burt, Reuben Chapman, Cobb, Cocke, Crozier, Culom, Cunningham, Dillingham, Dobbin, Dockery, Dromgoole, Dunlap, Erdman, Garvin, Gentry, Gordon, Grover, Harmanson, Hilliard, George S. Houston, Edmund W. Hubard, James H. Johnson, Joseph Johnson, Andrew Johnson, George W. Jones, Seaborn Jones, Lawrence, La Sere, Lumpkin, M'Clean, M'Clermand, M'Crate, James M'Dowell, M'Gaughey, M'Kay, John P. Martin, Moulton, Niven, Norris, Payne, Perrill, Perry, Pilsbury, Reid, Ritter, Sawyer, Scammon, Alexander D. Sims, Leonard H. Sims, Simpson, Jacob Thompson, Toombs, Fredway, Wheaton, Wick, Williams, Wilmot, Woodward, and Yost—72.

In the Senate the bill was taken up on the last day of the session, passed without even a record vote, and presented to the President for his approval. The Constitution provides that if any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law. One of the contingencies thus provided for occurred. The twenty-ninth Congress expired on the night of the day on which the bill was passed; and the President, availing himself of the constitutional provision, did not return it. To leave no gap in this important portion of the record, we insert the bill:

*"An Act to provide for continuing a certain Public Work in the Territory of Wisconsin, and for other Purposes.*

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a sum of money be, and the same is hereby appropriated, to be paid out of any unappropriated money in the treasury, sufficient for the following purposes, viz.:*

*"For the harbor at Milwaukie, \$6000.*

*"For the continuation of the Breakwater Structure at Burlington, on Lake Champlain, \$6000.*

*"For the continuation of the Breakwater Structure at Plattsburg, on Lake Champlain, \$6000.*

*"For the repairs and working of the Steam Dredge on Lake Champlain, \$5000.*

*"For the improvement of the harbor at Port Ontario, on Lake Ontario, \$3000.*

*"For the improvement of the harbor at Oswego, on Lake Ontario, \$10,000.*

"For the improvement of Big Sodus Bay, on Lake Ontario, \$4000.

"For the improvement of the harbor at the mouth of Genesee River, on Lake Ontario, \$6000.

"For the improvement of the Oak Orchard Harbor, State of New York, \$3000.

"For the construction of a Dredge Boat for Lake Ontario, \$12,000.

"For repairing the harbor at Buffalo, on Lake Erie, and the continuation of the Sea-wall for the protection of the same, \$25,000.

"For improving the harbor at Dunkirk, on Lake Erie, \$5000.

"For improving the harbor at Erie, on Lake Erie, \$12,000.

"For improving Grand River Harbor, on Lake Erie, \$3000.

"For improving the harbor at Cleveland, on Lake Erie, \$10,000.

"For improving the harbor at Sandusky City, on Lake Erie, \$6000.

"For improving the River Raisin Harbor, on Lake Erie, \$5000.

"For constructing a Dredge Boat to be used on Lake Erie, \$12,000.

"For improving the harbor at St. Joseph, on Lake Michigan, \$6000.

"For improving the harbor at Michigan City, on Lake Michigan, \$12,000.

"For improving the harbor at Chicago, on Lake Michigan, \$8000.

"For constructing a Dredge Boat to be used on Lake Michigan, \$12,000.

"For constructing a Breakwater Structure at Stamford Ledge, Maine, \$6000.

"For improving the harbor at Boston, \$17,000.

"For improving the harbor at Bridgeport, Connecticut, \$6000.

"For a survey and examination of the harbor at Newark, New Jersey, \$2000.

"For a survey and examination of the harbor at Providence and Block Island, Rhode Island, \$2000.

"For completing the Delaware Breakwater, \$30,000.

"For improving the harbor at Baltimore City, \$10,000.

"For a survey and examination of the harbor at Havre de Grace, Maryland, \$1500.

"For improving Hog Island Channel at Charleston City, South Carolina, \$10,000.

"For the improvement of Savannah Harbor, and the Naval Anchorage near Fort Pulaski, \$25,000.

"For a survey and examination of the harbor at Mobile, Alabama, \$4000.

"For continuing the public works, and removing the obstructions in the Hudson River, \$25,000.

"For the improvement of the Ohio River above the Falls at Louisville, \$40,000.

"For the improvement of the Ohio River below the Falls at Louisville, and of the Mississippi, Missouri, and Arkansas Rivers, \$150,000: *Provided*, That of this a sum not to exceed \$25,000 may be applied to the improvement of the Mississippi River at St. Louis, in the discretion of the Secretary of War.

"For removing the raft of Red River, and for the improvement of said river, \$25,000.

"For repairs and preservation of Harbor Works heretofore constructed on the Atlantic coast, \$10,000.

"For the removal of obstructions to the navigation at the entrance of Newark Harbor, New Jersey, \$10,000.

"JOHN W. DAVIS, *Speaker of the House of Representatives.*

"G. M. DALLAS, *President of the Senate.*

"I certify that this act originated in the House of Representatives.

"B. B. FRENCH, *Clerk.*"

*List of Works contained in the above Bill which had been previously commenced, with the Amounts heretofore expended on each.*

“ Harbor at Milwaukie : commenced in 1843.

Appropriations during President Tyler's administration.....	\$50,000 00
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“ Breakwater at Burlington : commenced in 1836.

Appropriations during President Jackson's administration .....	\$20,000 00
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“ President Van Buren's “ .....	50,000 00
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“ President Tyler's “ .....	10,000 00
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	<u>\$80,000 00</u>
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“ Breakwater at Plattsburgh : commenced in 1836.

Appropriations during President Jackson's administration .....	\$20,000 00
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“ President Van Buren's “ .....	27,500 00
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“ President Tyler's “ .....	10,000 00
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	<u>\$57,500 00</u>
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“ Harbor at Port Ontario (Salmon River) : commenced in 1836.

Appropriations during President Jackson's administration .....	\$15,000 00
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“ President Van Buren's “ .....	30,000 00
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“ President Tyler's “ .....	5,000 00
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	<u>\$50,000 00</u>
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“ Harbor at Oswego : commenced in 1827.

Appropriations during President Adams's administration .....	\$42,932 03
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“ President Jackson's “ .....	121,888 84
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“ President Van Buren's “ .....	46,067 00
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“ President Tyler's “ .....	20,000 00
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	<u>\$230,887 87</u>
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“ Big Sodus Bay : commenced in 1829.

Appropriations during President Jackson's administration .....	\$128,620 00
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“ President Van Buren's “ .....	10,000 00
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“ President Tyler's “ .....	5,000 00
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	<u>\$143,620 00</u>
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“ Genesee River : commenced in 1829.

Appropriations during President Jackson's administration .....	\$123,395 00
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“ President Van Buren's “ .....	25,000 00
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“ President Tyler's “ .....	10,000 00
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	<u>\$158,395 00</u>
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“ Oak Orchard Harbor : commenced in 1836.

Appropriations during President Jackson's administration .....	\$10,000 00
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“ President Van Buren's “ .....	5,000 00
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“ President Tyler's “ .....	5,000 00
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	<u>\$20,000 00</u>
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“ Harbor at Buffalo : commenced in 1826.

Appropriations during President Adams's administration .....	\$49,206 00
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“ President Jackson's “ .....	90,388 00
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“ President Van Buren's “ .....	68,500 00
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“ President Tyler's “ .....	40,000 00
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	<u>\$248,094 00</u>
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“ Harbor of Dunkirk : commenced in 1827.

Appropriations during President Adams's administration .....	\$18,812 75
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“ President Jackson's “ .....	58,931 18
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“ President Van Buren's “ .....	10,000 00
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“ President Tyler's “ .....	5,000 00
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	<u>\$92,743 93</u>
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“ Harbor at Erie: commenced in 1824.

Appropriations during	President Monroe's administration .....	\$20,000 00
“	President Adams's “ .....	22,613 00
“	President Jackson's “ .....	70,367 80
“	President Van Buren's “ .....	30,000 00
“	President Tyler's “ .....	40,000 00
		<u>\$182,981 23</u>

“ Grand River Harbor, Lake Erie: commenced in 1825.

Appropriations during	President Adams's administration .....	\$15,755 11
“	President Jackson's “ .....	29,843 18
“	President Van Buren's “ .....	10,000 00
“	President Tyler's “ .....	10,000 00
		<u>\$65,598 29</u>

“ Harbor at Cleveland: commenced in 1827.

Appropriations during	President Adams's administration .....	\$22,179 00
“	President Jackson's “ .....	50,378 15
“	President Van Buren's “ .....	51,856 00
“	President Tyler's “ .....	25,000 00
		<u>\$149,413 15</u>

“ Harbor of Sandusky City: commenced in 1844.

Appropriations during	President Tyler's administration .....	\$15,000 00
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“ River Raisin Harbor: commenced in 1835.

Appropriations during	President Jackson's administration .....	\$75,000 00
“	President Van Buren's “ .....	15,000 00
“	President Tyler's “ .....	20,000 00
		<u>\$110,000 00</u>

“ Harbor at St. Joseph: commenced in 1836.

Appropriations during	President Jackson's administration .....	\$35,000 00
“	President Van Buren's “ .....	51,113 00
“	President Tyler's “ .....	45,000 00
		<u>\$131,113 00</u>

“ Harbor at Michigan City: commenced in 1836.

Appropriations during	President Jackson's administration .....	\$50,000 00
“	President Van Buren's “ .....	60,733 59
“	President Tyler's “ .....	25,000 00
		<u>\$135,733 59</u>

“ Harbor at Chicago: commenced in 1833.

Appropriations during	President Jackson's administration .....	\$162,601 00
“	President Van Buren's “ .....	30,000 00
“	President Tyler's “ .....	55,000 00
		<u>\$247,601 00</u>

“ Breakwater at Stamford Ledge: commenced in 1836.

Appropriations during	President Jackson's administration .....	\$35,000 00
“	President Van Buren's “ .....	26,366 00
		<u>\$61,366 00</u>

“ Bridgeport Harbor: commenced in 1836.

Appropriation during	President Jackson's administration .....	\$10,000 00
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“ Delaware Breakwater: commenced in 1828.

Appropriations during	President Adams's administration .....	\$250,000 00
“	President Jackson's “ .....	1,521,000 00
“	President Van Buren's “ .....	150,000 00
		<u>\$1,921,000 00</u>

“ Harbor at Baltimore.

Appropriations during	President Jackson's administration .....	\$35,000 00
“	President Van Buren's “ .....	20,000 00
		<u>\$55,000 00</u>

“ Savannah Harbor.

Appropriations during	President Adams's administration .....	\$50,000 00
“	President Jackson's “ .....	75,043 06
“	President Van Buren's “ .....	15,000 00
		<u>\$140,043 06</u>

“ Harbor at Mobile: commenced in 1826.

Appropriations during	President Adams's administration .....	\$30,000 00
“	President Jackson's “ .....	77,997 60
“	President Van Buren's “ .....	50,000 00
		<u>\$157,997 60</u>

“ Removing obstructions in the Hudson River: commenced in 1834.

Appropriations during	President Jackson's administration .....	\$270,000 00
“	President Van Buren's “ .....	100,000 00
		<u>\$370,000 00</u>

“ Improving the Ohio, Mississippi, Missouri, and Arkansas Rivers, including Works at St. Louis and New Orleans: commenced in 1824.

Appropriations during	President Monroe's administration .....	\$75,000 00
“	President Adams's “ .....	130,000 00
“	President Jackson's “ .....	1,138,000 00
“	President Van Buren's “ .....	160,000 00
“	President Tyler's “ .....	555,000 00
		<u>\$2,058,000 00</u>

“ Improving navigation of Red River: commenced in 1828.

Appropriations during	President Adams's administration .....	\$25,000 00
“	President Jackson's “ .....	255,800 00
“	President Van Buren's “ .....	145,000 00
		<u>\$425,800 00</u>

An examination of this list will show that General Jackson had approved and signed bills for almost all the objects which the bill, of which we have given a copy, contained; that a majority of them were commenced by him; and that he expended upon them, during the eight years of his administration, the sum of four millions, four hundred and seventy-nine thousand, two hundred and fifty-three dollars.

At the following session, to wit, the first session of the thirtieth Congress, after a lapse of nine months, the President sent to the House the following message, containing his reasons for not signing the bill. It is not, in strict phrase, a *veto* message, because, as the session had expired, the bill had ceased to have any legal or Parliamentary existence.



*“ To the House of Representatives :*

“On the last day of the last session of Congress, a bill entitled ‘An Act to provide for continuing certain Works in the Territory of Wisconsin, and for other Purposes,’ which had passed both houses, was presented to me for my approval. I entertained insuperable objections to its becoming a law ; but the short period of the session which remained afforded me no sufficient opportunity to prepare my objections, and communicate them, with the bill, to the House of Representatives, in which it originated. For this reason the bill was retained, and I deem it proper now to state my objections to it.

“Although, from the title of the bill, it would seem that its main object was to make provision for continuing certain works already commenced in the Territory of Wisconsin, it appears, on examination of its provisions, that it contains only a single appropriation of six thousand dollars to be applied within that territory, while it appropriates more than half a million of dollars for the improvement of numerous harbors and rivers lying within the limits and jurisdiction of several of the states of the Union.

“At the preceding session of Congress it became my duty to return to the House, in which it originated, a bill making similar appropriations, and involving like principles, and the views then expressed remain unchanged.

“The circumstances under which this heavy expenditure of public money was proposed were of imposing weight in determining upon its expediency. Congress had recognized the existence of war with Mexico, and to prosecute it to ‘a speedy and successful termination,’ had made appropriations exceeding our ordinary revenues. To meet the emergency, and provide for the expenses of the government, a loan of twenty-three millions of dollars was authorized at the same session, which has since been negotiated. The practical effect of this bill, had it become a law, would have been to add the whole amount appropriated by it to the national debt. It would, in fact, have made necessary an additional loan to that amount, as effectually as if in terms it had required the Secretary of the Treasury to borrow the money therein appropriated. The main question in that aspect is, whether it is wise, while all the

means and credit of the government are needed to bring the existing war to an honorable close, to impair the one and endanger the other by borrowing money to be expended in a system of internal improvements, capable of an expansion sufficient to swallow up the revenues, not only of our own country, but of the civilized world. It is to be apprehended that, by entering upon such a career at this moment, confidence at home and abroad, in the wisdom and prudence of the government, would be so far impaired as to make it difficult, without an immediate resort to heavy taxation, to maintain the public credit, and to preserve the honor of the nation and the glory of our arms, in prosecuting the existing war to a successful conclusion. Had this bill become a law, it is easy to foresee that largely increased demands upon the treasury would have been made at each succeeding session of Congress for the improvement of numerous other harbors, bays, inlets, and rivers of equal importance with those embraced by its provisions. Many millions would probably have been added to the necessary amount of the war debt, the annual interest on which must also have been borrowed, and, finally, a permanent national debt been fastened on the country and entailed on posterity.

“The policy of embarking the federal government in a general system of internal improvements had its origin but little more than twenty years ago. In a very few years the applications to Congress for appropriations in furtherance of such objects exceeded two hundred millions of dollars. In this alarming crisis, President Jackson refused to approve and sign the Maysville Road Bill, the Wabash River Bill, and other bills of similar character. His interposition put a check upon the new policy of throwing the cost of local improvements upon the national treasury, preserved the revenues of the nation for their legitimate objects, by which he was enabled to extinguish the then existing public debt, and to present to an admiring world the unprecedented spectacle in modern times of a nation free from debt, and advancing to greatness with unequalled strides under a government which was content to act within its appropriate sphere, in protecting the states and individuals in their own chosen career of improvement and of enterprise. Although the bill under consideration proposes no appropriation for a road or canal, it is not easy to perceive the difference

in principle, or mischievous tendency, between appropriations for making roads and digging canals, and appropriations to deepen rivers and improve harbors. All are alike within the limits and jurisdiction of the states; and rivers and harbors alone open an abyss of expenditure sufficient to swallow up the wealth of the nation, and load it with a debt which may fetter its energies and tax its industry for ages to come.

“The experience of several of the states, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements, is full of eloquent warnings. It seems impossible, in the nature of the subject, as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits, and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.

“In some of the states, systems of internal improvement have been projected, consisting of roads and canals, many of which, taken separately, were not of sufficient public importance to justify a tax on the entire population of the state to effect their construction; and yet, by a combination of local interests operating on a majority of the Legislature, the whole have been authorized, and the states plunged into heavy debts. To an extent so ruinous has this system of legislation been carried in some portions of the Union, that the people have found it necessary to their own safety and prosperity to forbid their Legislatures, by constitutional restrictions, to contract public debts for such purposes without their immediate consent.

“If the abuse of power has been so fatal in the states where the systems of taxation are direct, and the representatives responsible at short periods to small masses of constituents, how much greater danger of abuse is to be apprehended in the general government, whose revenues are raised by indirect taxation, and whose functionaries are responsible to the people in larger masses and for longer terms.

“Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them! Let the imagination run along our coast, from the River St. Croix to the Rio Grande, and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let

it coast along our lakes, and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams; and then let it raise the curtain of the future, and contemplate the extent of this republic, and the objects of improvement it will embrace as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.

“Already our confederacy consists of twenty-nine states. Other states may, at no distant period, be expected to be formed on the west of our present settlements. We own an extensive country in Oregon, stretching many hundreds of miles from east to west, and seven degrees of latitude from south to north. By the admission of Texas into the Union, we have recently added many hundreds of miles to our sea-coast. In all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers, equally entitled to appropriations for their improvement with the objects embraced in this bill.

“We have seen in our states that the interests of individuals or neighborhoods, combining against the general interest, have involved their governments in debts and bankruptcy; and when the system prevailed in the general government, and was checked by President Jackson, it had begun to be considered the highest merit in a member of Congress to be able to procure appropriations of public money to be expended within his district or state, whatever might be the object. We should be blind to the experience of the past if we did not see abundant evidences that, if this system of expenditure is to be indulged in, combinations of individual and local interests will be found strong enough to control legislation, absorb the revenues of the country, and plunge the government into a hopeless indebtedness.

“What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea on the ocean, or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade, but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a *harbor*, and appropriations demanded from Congress to deepen it, with a view to draw commerce to it, or to enable individuals to build up a town or city on its



margin, upon speculation, and for their own private advantage.

“What is denominated a river, which may be improved, in the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the smallest and most obscure and unimportant stream, bearing the name of river, which is to be found in any state of the Union.

“Such a system is subject, moreover, to be perverted to the accomplishment of the worst of political purposes. During the few years it was in full operation, and which immediately preceded the veto of President Jackson of the Maysville Road Bill, instances were numerous of public men seeking to gain popular favor by holding out to the people, interested in particular localities, the promise of large disbursements of public money. Numerous reconnoissances and surveys were made, during that period, for roads and canals through many parts of the Union; and the people in the vicinity of each were led to believe that their property would be enhanced in value, and they themselves be enriched by the large expenditures which they were promised by the advocates of the system should be made from the federal treasury in their neighborhoods. Whole sections of the country were thus sought to be influenced, and the system was fast becoming one not only of profuse and wasteful expenditure, but a potent political engine.

“If the power to improve a harbor be admitted, it is not easy to perceive how the power to deepen every inlet on the ocean or the lakes, and make harbors where there are none, can be denied. If the power to clear out or deepen the channel of rivers near their mouths be admitted, it is not easy to perceive how the power to improve them to their fountain head, and make them navigable to their sources, can be denied. Where shall the exercise of the power, if it be assumed, stop? Has Congress the power, when an inlet is deep enough to admit a schooner, to deepen it still more, so that it will admit ships of heavy burden; and has it not the power, when an inlet will admit a boat, to make it deep enough to admit a schooner? May it improve rivers deep enough already to float ships and steamboats, and has it no power to improve those which are navigable only for flat-boats and barges?

“May the general government exercise power and jurisdic-



tion over the soil of a state consisting of rocks and sandbars in the beds of its rivers, and may it not excavate a canal around its waterfalls or across its lands for precisely the same object?

“Giving to the subject the most serious and candid consideration of which my mind is capable, I can not perceive any intermediate ground. The power to improve harbors and rivers for purposes of navigation, by deepening or clearing out, by dams and sluices, by locking or canalling, must be admitted, without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuse is the power thus vested in the general government! There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the states, which is not brought for this purpose within the power and jurisdiction of the general government.

“Speculation, disguised under the cloak of public good, will call on Congress to deepen shallow inlets, that it may build up new cities on their shores, or to make streams navigable which Nature has closed by bars and rapids, that it may sell at a profit its lands upon their banks. To enrich neighborhoods, by spending within them the moneys of the nation, will be the aim and boast of those who prize their local interests above the good of the nation, and millions upon millions will be abstracted by tariffs and taxes from the earnings of the whole people to foster speculation and subserve the objects of private ambition.

“Such a system could not be administered with any approach to equality among the several states and sections of the Union. There is no equality among them in the objects of expenditure; and if the funds were distributed according to the merits of those objects, some would be enriched at the expense of their neighbors. But a greater practical evil would be found in the art and industry by which appropriations would be sought and obtained. The most artful and industrious would be the most successful; the true interests of the country would be lost sight of in an annual scramble for the contents of the treasury; and the member of Congress who could procure the largest appropriations to be expended in his district, would claim the rewards of victory from his enriched constituents. The necessary consequence would be sectional discontents and heart-burnings, increased taxation, and a national debt never to be extinguished.

“In view of these portentous consequences, I can not but think that this course of legislation should be arrested, even were there nothing to forbid it in the fundamental laws of our Union. This conclusion is fortified by the fact that the Constitution itself indicates a process by which harbors and rivers within the states may be improved; a process, not susceptible of the abuses necessarily to flow from the assumption of the power to improve them by the general government, just in its operation, and actually practiced upon, without complaint or interruption, during more than thirty years from the organization of the present government.

“The Constitution provides that ‘no state shall, without the consent of Congress, lay any duty of tonnage.’ With the ‘consent’ of Congress, such duties may be levied, collected, and expended by the states. We are not left in the dark as to the objects of this reservation of power to the states. The subject was fully considered by the Convention that framed the Constitution. It appears, in Mr. Madison’s report of the proceedings of that body, that one object of the reservation was, that the states should not be restrained from laying duties of tonnage for the purpose of clearing harbors. Other objects were named in the debates, and among them the support of seamen. Mr. Madison, treating on this subject in the *Federalist*, declares that ‘the restraint on the power of the states over imports and exports is enforced by all the arguments which prove the necessity of submitting the regulation of trade to the federal councils. It is needless, therefore, to remark further on this head, than that the manner in which the restraint is qualified seems well calculated at once to secure to the states a reasonable discretion in providing for the conveniency of their imports and exports, and to the United States a reasonable check against the abuse of this discretion.’ The states may lay tonnage duties for clearing harbors, improving rivers, or for other purposes, but are restrained from abusing the power; because, before such duties can take effect, the ‘consent’ of Congress must be obtained.

“Here is a safe provision for the improvement of harbors and rivers in the reserved powers of the states, and in the aid they may derive from duties of tonnage levied with the consent of Congress. Its safeguards are, that both the state Legislatures and Congress have to concur in the act of raising the

funds; that they are in every instance to be levied upon the commerce of those ports which are to profit by the proposed improvement; that no question of conflicting power or jurisdiction is involved; that the expenditure being in the hands of those who are to pay the money and be immediately benefited, will be more carefully managed, and more productive of good, than if the funds were drawn from the national treasury and disbursed by the officers of the general government; that such a system will carry with it no enlargement of federal power and patronage, and leave the states to be the sole judges of their own wants and interest, with only a conservative negative in Congress upon any abuse of the power which the states may attempt.

“Under this wise system the improvement of harbors and rivers was commenced, or rather continued, from the organization of the government under the present Constitution. Many acts were passed by the several states levying duties of tonnage, and many were passed by Congress giving their consent to those acts. Such acts have been passed by Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and have been sanctioned by the consent of Congress. Without enumerating them all, it may be instructive to refer to some of them as illustrative of the mode of improving harbors and rivers in the early periods of our government, as to the constitutionality of which there can be no doubt.

“In January, 1790, the State of Rhode Island passed a law levying a tonnage duty on vessels arriving in the port of Providence, ‘for the purpose of clearing and deepening the channel of Providence River, and making the same more navigable.’

“On the 2d of February, 1798, the State of Massachusetts passed a law levying a tonnage duty on vessels, whether employed in the foreign or coasting trade, which might enter into the Kennebunk River, for the improvement of the same, by ‘rendering the passage in and out of said river less difficult and dangerous.’

“On the 1st of April, 1805, the State of Pennsylvania passed a law levying a tonnage duty on vessels, ‘to remove the obstructions to the navigation of the River Delaware, below the city of Philadelphia.’

"On the 23d of January, 1804, the State of Virginia passed a law levying a tonnage duty on vessels, for 'improving the navigation of James River.'

"On the 22d of February, 1816, the State of Virginia passed a law levying a tonnage duty on vessels, for 'improving the navigation of James River from Warwick to Rockett's Landing.'

"On the 8th of December, 1824, the State of Virginia passed a law levying a tonnage duty on vessels, for 'improving the navigation of Appomattox River from Pocahontas Bridge to Broadway.'

"In November, 1821, the State of North Carolina passed a law levying a tonnage duty on vessels, 'for the purpose of opening an inlet at the lower end of Albemarle Sound, near a place called Nag's Head, and improving the navigation of said sound with its branches;' and in November, 1828, an amendatory law was passed.

"On the 21st of December, 1804, the State of South Carolina passed a law levying a tonnage duty, for the purpose of 'building a marine hospital in the vicinity of Charleston,' and on the 17th of December, 1816, another law was passed by the Legislature of that state, for the 'maintenance of a marine hospital.'

"On the 10th of February, 1787, the State of Georgia passed a law levying a tonnage duty on all vessels entering into the port of Savannah, for the purpose of 'clearing' the Savannah River of 'wrecks and other obstructions' to the navigation.

"On the 12th of December, 1804, the State of Georgia passed a law levying a tonnage duty on vessels, 'to be applied to the payment of the fees of the harbor-master and health officer of the ports of Savannah and St. Mary's.'

"In April, 1783, the State of Maryland passed a law laying a tonnage duty on vessels, for the improvement of the 'basin' and 'harbor' of Baltimore, and the 'River Patapsco.'

"On the 26th of December, 1791, the State of Maryland passed a law levying a tonnage duty on vessels, for the improvement of the 'harbor and port of Baltimore.'

"On the 28th of December, 1793, the State of Maryland passed a law authorizing the appointment of a health officer for the port of Baltimore, and laying a tonnage duty on vessels to defray the expenses.



"Congress have passed many acts giving its 'consent' to these and other state laws, the first of which is dated in 1790, and the last in 1843. By the latter act, the 'consent' of Congress was given to the law of the Legislature of the State of Maryland, laying a tonnage duty on vessels for the improvement of the harbor of Baltimore, and continuing it in force until the first day of June, 1850.

"I transmit herewith copies of such of the acts of the Legislatures of the states on the subject, and also the acts of Congress giving its 'consent' thereto, as have been collated.

"That the power was constitutionally and rightfully exercised in these cases, does not admit of a doubt.

"The injustice and inequality resulting from conceding the power to both governments is illustrated by several of the acts enumerated. Take that for the improvement of the harbor of Baltimore. That improvement is paid for exclusively by a tax on the commerce of that city ; but if an appropriation be made from the national treasury for the improvement of the harbor of Boston, it must be paid, in part, out of taxes levied on the commerce of Baltimore. The result is, that the commerce of Baltimore pays the full cost of the harbor improvement designed for its own benefit, and, in addition, contributes to the cost of all other harbor and river improvements in the Union. The facts need but be stated to prove the inequality and injustice which can not but flow from the practice embodied in this bill. Either the subject should be left as it was during the first third of a century, or the practice of levying tonnage duties by the states should be abandoned altogether, and all harbor and river improvements made under the authority of the United States, and by means of direct appropriations. In view not only of the constitutional difficulty, but as a question of policy, I am clearly of opinion that the whole subject should be left to the states, aided by such tonnage duties on vessels navigating their waters as their respective Legislatures may think proper to propose and Congress see fit to sanction.

"This 'consent' of Congress would never be refused in any case where the duty proposed to be levied by the state was reasonable, and where the object of improvement was one of importance. The funds required for the improvement of harbors and rivers may be raised in this mode, as was done in the



earlier periods of the government, and thus avoid a resort to a strained construction of the Constitution not warranted by its letter.

“If direct appropriations be made of the money in the federal treasury for such purposes, the expenditures will be unequal and unjust. The money in the federal treasury is paid by a tax on the whole people of the United States; and, if applied to the purposes of improving harbors and rivers, it will be partially distributed, and be expended for the advantage of particular states, sections, or localities at the expense of others.

“By returning to the early and approved construction of the Constitution, and to the practice under it, this inequality and injustice will be avoided, and, at the same time, all the really important improvements be made, and, as our experience has proved, be better made, and at less cost, than they would be by the agency of officers of the United States. The interests benefited by these improvements, too, would bear the cost of making them, upon the same principle that the expenses of the post-office establishment have always been defrayed by those who derive benefits from it.

“The power of appropriating money from the treasury for such improvements was not claimed or exercised for more than thirty years after the organization of the government in 1789, when a more latitudinous construction was indicated, though it was not broadly asserted and exercised until 1825. Small appropriations were first made, in 1820 and 1821, for surveys.

“An act was passed on the 3d of March, 1823, authorizing the President to cause an ‘examination and survey to be made of the obstructions between the harbor of *Gloucester* and the harbor of *Squam*, in the State of Massachusetts,’ and of ‘the entrance of the harbor of the port of *Presque Isle*, in Pennsylvania,’ with a view to their removal, and a small appropriation was made to pay the necessary expenses. This appears to have been the commencement of harbor improvements by Congress, thirty-four years after the government went into operation under the present Constitution.

“On the 30th of April, 1824, an act was passed making an appropriation of thirty thousand dollars, and directing ‘surveys and estimates to be made of the routes of such roads and canals’ as the President ‘may deem of national importance in a

commercial or military point of view, or necessary for the transportation of the mails.' This act evidently looked to the adoption of a general system of internal improvements, to embrace roads and canals as well as harbors and rivers.

"On the 26th of May, 1824, an act was passed making appropriations for 'deepening the channel leading into the harbor of Presque Isle, in the State of Pennsylvania,' and to 'repair Plymouth Beach, in the State of Massachusetts, and thereby prevent the harbor at that place from being destroyed.'

"President Monroe yielded his approval to these measures, though he entertained, and had, in a message to the House of Representatives on the 4th of May, 1822, expressed the opinion that the Constitution had not conferred upon Congress the power to 'adopt and execute a system of internal improvements.' He placed his approval upon the ground, not that Congress possessed the power to 'adopt and execute' such a system by virtue of any or all of the enumerated grants of power in the Constitution, but upon the assumption that the power to make appropriations of the public money was limited and restrained only by the discretion of Congress. In coming to this conclusion, he avowed that, 'in the more early stage of the government,' he had entertained a different opinion. He avowed that his first opinion had been that, 'as the national government is a government of limited powers, it has no right to expend money, except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers;' and that the power to make appropriations gave to Congress no discretionary authority to apply the public money to any other purposes or objects except to 'carry into effect the powers contained in the other grants.' These sound views which Mr. Monroe entertained 'in the early stage of the government,' he gave up in 1822, and declared 'that the right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it, in the case of internal improvements, would be to appropriate the money necessary to make them. For any act requiring legislative sanction or support, the state authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it, the

establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the state. To these purposes the powers of the general government are believed to be utterly incompetent.'

"But it is impossible to conceive on what principle the power of appropriating public money, when in the treasury, can be construed to extend to objects for which the Constitution does not authorize Congress to levy taxes or imposts to raise money. The power of appropriation is but the consequence of the power to raise money; and the true inquiry is, whether Congress has the right to levy taxes for the object over which power is claimed.

"During the four succeeding years embraced by the administration of President Adams, the power not only to appropriate money, but to apply it, under the direction and authority of the general government, as well to the construction of roads as to the improvement of harbors and rivers, was fully asserted and exercised.

"Among other acts assuming the power was one passed on the 20th of May, 1826, entitled 'An Act for Improving certain Harbors, and the Navigation of certain Rivers and Creeks, and for authorizing Surveys to be made of certain Bays, Sounds, and Rivers therein mentioned.' By that act large appropriations were made, which were to be 'applied under the direction of the President of the United States' to numerous improvements in ten of the states. This act, passed thirty-seven years after the organization of the present government, contained the first appropriation ever made for the improvement of a navigable river, unless it be small appropriations for examinations and surveys in 1820. During the residue of that administration, many other appropriations of a similar character were made, embracing roads, rivers, harbors, and canals, and objects claiming the aid of Congress multiplied without number.

"This was the first breach effected in the barrier which the universal opinion of the framers of the Constitution had, for more than thirty years, thrown in the way of the assumption of this power by Congress. The general mind of Congress and the country did not appreciate the distinction taken by President Monroe, between the right to appropriate money for an

object, and the right to apply and expend it without the embarrassment and delay of applications to the state governments. Probably no instance occurred in which such an application was made, and the flood-gates being thus hoisted, the principle laid down by him was disregarded, and applications for aid from the treasury, virtually to make harbors, as well as improve them, clear out rivers, cut canals, and construct roads, poured into Congress in torrents, until arrested by the veto of President Jackson. His veto of the Maysville Road Bill was followed up by his refusal to sign the 'Act making Appropriations for building Light-houses, Light-boats, Beacons, and Monuments, placing Buoys, improving Harbors, and directing Surveys;' 'An Act authorizing Subscriptions for Stock in the Louisville and Portland Canal Company;' 'An Act for the Improvement of certain Harbors and the Navigation of certain Rivers;' and, finally, 'An Act to Improve the Navigation of the Wabash River.' In his objections to the act last named, he says:

“ ‘The desire to embark the federal government in works of internal improvements prevailed, in the highest degree, during the first session of the first Congress that I had the honor to meet in my present situation. When the bill authorizing a subscription on the part of the United States for stock in the Maysville and Lexington Turnpike Company passed the two houses, there had been reported, by the Committees on Internal Improvements, bills containing appropriations for such objects, exclusive of those for the Cumberland Road, and for harbors and light-houses, to the amount of about one hundred and six millions of dollars. In this amount was included authority to the Secretary of the Treasury to subscribe for the stock of different companies to a great extent, and the residue was principally for the direct construction of roads by this government. In addition to these projects, which have been presented to the two houses under the sanction and recommendation of their respective committees on internal improvements, there were then still pending before the committees, and in memorials to Congress, presented, but not referred, different projects for works of a similar character, the expense of which can not be estimated with certainty, but must have exceeded one hundred millions of dollars.’



“Thus, within the brief period of less than ten years after the commencement of internal improvements by the general government, the sum asked for from the treasury for various projects amounted to more than two hundred millions of dollars. President Jackson’s powerful and disinterested appeals to his country appear to have put down forever the assumption of power to make roads and cut canals, and to have checked the prevalent disposition to bring all rivers, in any degree navigable, within the control of the general government. But an immense field for expending the public money, and increasing the power and patronage of this government, was left open in the concession of even a limited power of Congress to improve harbors and rivers; a field which millions will not fertilize to the satisfaction of those local and speculating interests by which these projects are in general gotten up. There can not be a just and equal distribution of public burdens and benefits under such a system; nor can the states be relieved from the danger of fatal encroachment, nor the United States from the equal danger of consolidation, otherwise than by an arrest of the system, and a return to the doctrines and practices which prevailed during the first thirty years of the government.

“How forcibly does the history of this subject illustrate the tendency of power to concentration in the hands of the general government! The power to improve their own harbors and rivers was clearly reserved to the states, who were to be aided by tonnage duties, levied and collected by themselves, with the consent of Congress. For thirty-four years improvements were carried on under that system, and so careful was Congress not to interfere, under any implied power, with the soil or jurisdiction of the states, that they did not even assume the power to erect light-houses or build piers without first purchasing the ground, with the consent of the states, and obtaining jurisdiction over it. At length, after the lapse of thirty-three years, an act is passed providing for the examination of certain obstructions at the mouth of one or two harbors, almost unknown. It is followed by acts making small appropriations for the removal of those obstructions. The obstacles interposed by President Monroe, after ceding the power to appropriate, were soon swept away. Congress virtually assumed jurisdiction of the soil and waters of the states, without their consent, for the pur-



poses of internal improvement, and the eyes of eager millions were turned from the state governments to Congress, as the fountain whose golden streams were to deepen their harbors and rivers, level their mountains, and fill their valleys with canals. To what consequences this assumption of power was rapidly leading, is shown by the veto message of President Jackson; and to what end it is again tending, is witnessed by the provisions of this bill and bills of similar character.

“In the proceedings and debates of the general Convention which formed the Constitution, and of the state Conventions which adopted it, nothing is found to countenance the idea that the one intended to propose, or the others to concede, such a grant of power to the general government as the building up and maintaining of a system of internal improvements within the state necessarily implies. Whatever the general government may constitutionally create, it may lawfully protect. If it may make a road upon the soil of the states, it may protect it from destruction or injury by penal laws. So of canals, rivers, and harbors. If it may put a dam in a river, it may protect that dam from removal or injury, in direct opposition to the laws, authorities, and people of the state in which it is situated. If it may deepen a harbor, it may, by its own laws, protect its agents and contractors from being driven from their work, even by the laws and authorities of the state. The power to make a road or canal, or to dig up the bottom of a harbor or river, implies a right in the soil of the state, and a jurisdiction over it, for which it would be impossible to find any warrant.

“The states were particularly jealous of conceding to the general government any right of jurisdiction over their soil; and, in the Constitution, restricted the exclusive legislation of Congress to such places as might be ‘purchased with the consent of the states in which the same shall be, for the erection of forts, magazines, dock-yards, and other needful buildings.’ That the United States should be prohibited from purchasing lands within the states without their consent, even for the most essential purposes of national defense, while left at liberty to purchase or seize them for roads, canals, and other improvements of immeasurably less importance, is not to be conceived.

“A proposition was made in the Convention to provide for

the appointment of a 'Secretary of Domestic Affairs,' and make it his duty, among other things, 'to attend to the opening of roads and navigation, and the facilitating communications through the United States.' It was referred to a committee, and that appears to have been the last of it. On a subsequent occasion, a proposition was made to confer on Congress the power to 'provide for the cutting of canals, when deemed necessary,' which was rejected by the strong majority of eight states to three. Among the reasons given for the rejection of this proposition, it was urged that 'the expense in such cases will fall on the United States, and the benefits accrue to the places where the canals may be cut.'

"During the consideration of this proposition, a motion was made to enlarge the proposed power 'for cutting canals' into a power 'to grant charters of incorporation, when the interest of the United States might require, and the legislative provisions of the individual states may be incompetent;' and the reason assigned by Mr. Madison for the proposed enlargement of the power was, that it would 'secure an easy communication between the states, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones, as far as possible, ought to follow.'

"The original proposition and all the amendments were rejected after deliberate discussion; not on the ground, as so much of that discussion as has been preserved indicates, that no direct grant was necessary, but because it was deemed inexpedient to grant it at all. When it is considered that some of the members of the Convention, who afterward participated in the organization and administration of the government, advocated and practiced upon a very liberal construction of the Constitution, grasping at many high powers as implied in its various provisions, not one of them, it is believed, at that day claimed the power to make roads and canals, or improve rivers and harbors, or appropriate money for that purpose. Among our early statesmen, of the strict construction class, the opinion was universal, when the subject was first broached, that Congress did not possess the power, although some of them thought it desirable.

"*President Jefferson*, in his message to Congress in 1806, recommended an amendment of the Constitution, with a view

to apply an anticipated surplus in the treasury 'to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of the federal powers;' and he adds, 'I suppose an amendment to the Constitution, by consent of the states, necessary, because the objects now recommended are not among those enumerated in the Constitution, and to which it permits the public moneys to be applied.' In 1825 he repeated, in his published letters, the opinion that no such power has been conferred upon Congress.

"*President Madison*, in a message to the House of Representatives of the 3d of March, 1817, assigning his objections to a bill entitled 'An Act to set apart and pledge certain Funds for Internal Improvements,' declares that 'the power to regulate commerce among the several states can not include a power to construct roads and canals, and to *improve the navigation of water-courses*, in order to facilitate, promote, and secure such a commerce, without a latitude of construction, departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to Congress.'

"*President Monroe*, in a message to the House of Representatives of the 4th of May, 1822, containing his objections to a bill entitled 'An Act for the Preservation and Repair of the Cumberland Road,' declares:

" '\*Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the states before the adoption of this Constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts, in regard to foreign nations, and to prevent any on the trade between the states, was the only power granted.

" 'If we refer to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade, by the states respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of act-

\* This extract is taken from the "Paper" referred to by us at page 175.

ing as a nation in regard to foreign powers, the states, individually, had commenced a system of restraint on each other, whereby the interests of foreign powers were promoted at their expense. If one state imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power, the next adjoining states imposed lighter duties to invite those articles into their ports, that they might be transferred thence into the other states, securing the duties to themselves. This contracted policy in some of the states was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering states, and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the Constitution.

“ ‘Among the first and most important effects of this great revolution was the complete abolition of this pernicious policy. The states were brought together by the Constitution, as to commerce, into one community, equally, in regard to foreign nations and each other. The regulations that were adopted regarded us, in both respects, as one people. The duties and imposts that were laid on the vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the states themselves, no duties of any kind were imposed other than between different ports and countries within the same state.

“ ‘This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781, Congress recommended it to the states to vest in the United States a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States, for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the states to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States, for fifteen years. In 1785 the consideration



of the subject was resumed, and a proposition presented in a new form, with an address to the states, explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786, a meeting took place at Annapolis, of delegates from several of the states, on this subject; and, on their report, the Convention was formed at Philadelphia the ensuing year, from all the states, to whose deliberations we are indebted for the present Constitution.

“ ‘In none of these measures was the subject of internal improvement mentioned, or even glanced at. Those of 1784, 1785, 1786, and 1787, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several states was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch, has never been set up. In support of the claim under the second, no reason has been assigned which appears to have the least weight.’

“ ‘Such is a brief history of the origin, progress, and consequences of a system, which, for more than thirty years after the adoption of the Constitution, was unknown. The greatest embarrassment upon the subject consists in the departure which has taken place from the early construction of the Constitution, and the precedents which are found in the legislation of Congress in later years. President Jackson, in his veto of the Wabash River Bill, declares, that ‘to inherent embarrassments have been added others, from the course of our legislation concerning it.’ In his vetoes on the Maysville Road Bill, the Rockville Road Bill, the Wabash River Bill, and other bills of like character, he reversed the precedents which existed prior to that time on the subject of internal improvements. When our experience, observation, and reflection have convinced us that a legislative precedent is either unwise or unconstitutional, it should not be followed.

“ ‘No express grant of this power is found in the Constitution. Its advocates have differed among themselves as to the source from which it is derived as an incident. In the prog-



ress of the discussions upon this subject, the power to regulate commerce seems now to be chiefly relied upon, especially in reference to the improvement of harbors and rivers.

“In relation to the regulation of commerce, the language of the grant in the Constitution is, ‘Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.’ That ‘to regulate commerce’ does not mean to make a road, or dig a canal, or clear out a river, or deepen a harbor, would seem to be obvious to the common understanding. To ‘regulate’ admits or affirms the pre-existence of the thing to be regulated. In this case, it presupposes the existence of commerce, and of course the means by which, and the channels through which, commerce is carried on. It confers no creative power; it only assumes control over that which may have been brought into existence through other agencies, such as state legislation, and the industry and enterprise of individuals. If the definition of the word ‘regulate’ is to include the provision of means to carry on commerce, then have Congress not only power to deepen harbors, clear out rivers, dig canals, and make roads, but also to build ships, railroad cars, and other vehicles, all of which are necessary to commerce. There is no middle ground. If the power to regulate can be legitimately construed into a power to create or facilitate, then not only the bays and harbors, but the roads and canals, and all the means of transporting merchandise among the several states, are put at the disposition of Congress.

“This power to regulate commerce was construed and exercised immediately after the adoption of the Constitution, and has been exercised to the present day, by prescribing general rules by which commerce should be conducted. With foreign nations it has been regulated by treaties, defining the rights of citizens and subjects, as well as by acts of Congress, imposing duties and restrictions, embracing vessels, seamen, cargoes, and passengers. It has been regulated among the states by acts of Congress, relating to the coasting trade and the vessels employed therein, and for the better security of passengers in vessels propelled by steam, and by the removal of all restrictions upon internal trade. It has been regulated with the Indian tribes by our intercourse laws, prescribing the manner in which it shall be carried on. Thus each branch of this grant of pow-

er was exercised soon after the adoption of the Constitution, and has continued to be exercised to the present day. If a more extended construction be adopted, it is impossible for the human mind to fix on a limit to the exercise of the power other than the will and discretion of Congress.

"It sweeps into the vortex of national power and jurisdiction not only harbors and inlets, rivers and little streams, but canals, turnpikes, and rail-roads, every species of improvement which can facilitate or create trade and intercourse 'with foreign nations, among the several states, and with the Indian tribes.'

"Should any great object of improvement exist in our widely-extended country which can not be effected by tonnage duties, levied by the states with the concurrence of Congress, it is safer and wiser to apply to the states, in the mode prescribed by the Constitution, for an amendment of that instrument, whereby the powers of the general government may be enlarged, with such limitations and restrictions as experience has shown to be proper, than to assume and exercise a power which has not been granted, or which may be regarded as doubtful in the opinion of a large portion of our constituents. This course has been recommended successively by Presidents Jefferson, Madison, Monroe, and Jackson, and I fully concur with them in opinion. If an enlargement of power should be deemed proper, it will unquestionably be granted by the states; if otherwise, it will be withheld; and in either case, their decision should be final. In the mean time, I deem it proper to add, that the investigation of this subject has impressed me more strongly than ever with the solemn conviction that the usefulness and permanency of this government, and the happiness of the millions over whom it spreads its protection, will be best promoted by carefully abstaining from the exercise of all powers not clearly granted by the Constitution.

"WASHINGTON, *December 15, 1847.*"

No further proceedings, of course, took place on the bill at that session. The appropriations contained in it were for works which had been recommended by the Secretary of War, Mr. Marcy, in his report to Congress at the commencement of the first session of the twenty-ninth Congress, from which we have elsewhere made an extract. [See page 244.]

Soon after the commencement of the first session of the thirtieth Congress—on the twenty-first of December, 1847—Mr. Wentworth, of Illinois, introduced in the House the following declaratory resolution:

“*Resolved*, That the general government have the power to construct such harbors and improve such rivers as are ‘necessary and proper’ for the protection of our navy and our commerce, and also for the defenses of our country.”

No debate took place. The resolution, under the operation of the previous question, was adopted by the following vote, comprising, the reader will perceive, upward of *two thirds* of the members present:

Yeas: Messrs. Abbott, John Quincy Adams, Green Adams, Ashmun, Barringer, Barrow, Belcher, Bingham, Birdsall, Blanchard, Botts, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clapp, Franklin Clark, Clingman, Cocke, Colamer, Collins, Conger, Cranston, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Freedley, French, Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Green, Gregory, Grinnell, Hale, William P. Hall, Nathan K. Hall, James G. Hampton, Moses Hampton, Henley, Henry, Hilliard, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jamieson, Jenkins, Andrew Johnson, Robert W. Johnson, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, McClelland, McIlvaine, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Peck, Petrie, Peyton, Pillsbury, Pollock, Preston, Putnam, Reynolds, Richey, Rockhill, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Slingerland, Smart, Truman Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Sylvester, Talmadge, Thibodeaux, Taylor, Tompkins, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Vandyke, Vinton, Warren, Wentworth, White, Williams, and Wiley—138.

Nays: Messrs. Bayly, Beale, Bedinger, Black, Bocoek, Bowdon, Boyd, Brodhead, William G. Brown, Burt, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Daniel, Featherston, Ficklin, Flournoy, Fries, Hammons, Harmanson, Harris, Hill, Isaac E. Holmes, George S. Houston, Inge, Charles J. Ingersoll, George W. Jones, Kaufman, Kennon, La Sere, Ligon, Lord, Lumpkin, Maclay, McClelland, McDowell, McKay, McLane, Mann, Meade, Miller, Morse, Nicoll, Peaslee, Phelps, Rhett, Robinson, Sawyer, Simpson, Sims, Thomas, Jacob Thompson, Venable, and Woodward—54.

On the twelfth of January, 1848, Mr. Rhett, of South Carolina, carrying out the recommendation in the President's message concerning tonnage duties, introduced, on leave, the following bill:

*"A Bill declaring the Assent of Congress to any Acts which may be passed by the several States of the Union, laying Tonnage Duties on Vessels entering their Ports or Harbors.*

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the consent of Congress be, and is hereby granted and declared to the operation of any acts which shall hereafter be passed by the several states of the Union, laying duties of tonnage on vessels or boats entering any of the harbors or ports of the said states, for the purpose of providing a fund for the improvement of the navigation within the said states.*

*"Sec. 2. And be it further enacted, That each state laying and collecting duties of tonnage as aforesaid, shall send, or cause to be sent, to the office of the Secretary of State, a copy of the law or laws imposing the same; and shall also transmit, or cause to be transmitted, to the office of the Secretary of the Treasury, an annual statement of all the moneys collected in pursuance thereof.*

*"Sec. 3. And be it further enacted, That nothing in this act contained shall be construed to imply the assent of Congress to any acts of the said states inconsistent with the treaties existing between the United States and any foreign nation, or with the laws of the United States passed in pursuance thereof.*

*"Sec. 4. And be it further enacted, That this act shall continue for and during the term of seven years, and from thence to the end of the next session of Congress thereafter, and no longer."*

The bill was read twice and referred to the Committee on Commerce. It is perhaps unnecessary to say that there is but little prospect of the enactment of any such law. If doubts exist upon this point in any quarter, they will be forthwith dissipated by reference to the vote on the resolution of the House of Representatives on that point, which we record hereafter. For the present moment, it is enough to say that the committee recommended the rejection of the bill.

The President's message, dated the fifteenth of December, 1847, giving his reasons for refusing to sign the bill passed the third of March, 1847—the bill of Mr. Rhett (as we have stated)—sundry memorials in relation to the improvement of harbors and rivers, and the memorial of the Chicago Convention on the same subject, were referred to the Committee on Commerce.

Two great public movements, having in view the co-operation of the government upon certain declared principles, in aid of objects of internal improvement, have been made within the last three years. The one is known as the Memphis Convention, held in that city in November, 1845; the other as the Chicago Convention, held in that city in July, 1847. By both these bodies declaratory resolutions were put forth, embodying the particular sentiments of each, and both have been formally brought under the consideration of Congress. It now becomes our duty to turn the attention of the reader to the proceedings and results of



## THE CHICAGO CONVENTION.

It will be proper, in the first place, to state the considerations upon which this Convention was called together, and the objects proposed to be accomplished through its interposition. This purpose can best be effected by presenting to the reader the address of the committee which had been appointed by the citizens of Chicago, as follows :

## HARBOR AND RIVER CONVENTION.

*Address of the Chicago Committee.*

“The high prices of freight, taken in connection with the loss of life and property upon the Western waters last season, caused several public meetings to be held in various sections of the country, for the purpose of devising the best means of remedying those and other evils of which the great mass of the people interested in commerce were complaining. At all these meetings, the propriety of holding a convention at some convenient point was discussed and universally concurred in.

“In consequence of Chicago having been generally named as the proper point, its citizens called a meeting, named the fifth of July as the appropriate time, and chose the undersigned a committee to draft an address setting forth the objects of the Convention.

“The movers in this matter have been, from the first, like the undersigned, of entirely different politics, and, so far from there being even in the remotest degree any political design in the contemplated convention, one of the chief objects of it is to call together for a common object the men of all parties, and to convince the people every where that the improvements desired are not now, never have been, and never should be, connected with ‘*party politics*,’ in the ordinary use of that term. Such a connection would, in the minds of all interested, have a very deleterious tendency. It can not be denied that there is a predisposition among all politicians to support the measures of a chief magistrate of their own party, and hence we have seen Western representatives, originally supporting harbor and river improvements, and elected upon express pledges to do so, finally vote to support a *recto* of bills providing for that purpose, and assigning as a reason therefor that it was their duty to



sustain an executive of their own selection, even though it be in express opposition to the wishes and interests of their constituents. Repeated instances of this kind must eventually give this question somewhat of a political cast, which the undersigned and all who co-operate with them would seriously regret.

“The construction of *harbors* upon our northern lakes, as well as upon the Atlantic, with the improvement of our great rivers, where commerce is of a national character, necessarily involves no questions of party difference. They are matters that must interest all parties, as they do all classes, alike, and harbor and river bills have been supported by the ablest men of both the great political parties which divide this country. This subject has never entered into any presidential canvass, since each party has always taken it for granted that the candidate of the other was above suspicion upon a matter of such pre-eminent importance. The first Congress that ever assembled under the present Constitution, many of whose members helped to frame it, passed a law defraying all expenses which should accrue after the 15th of August, 1789, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passage of this act, at the entrance of, or within any bay, inlet, harbor, or ports of the United States, *for rendering the navigation thereof easy and safe.* General Washington signed this bill; and bills for the continuance of such works were also successively signed by Presidents the elder Adams, Jefferson, and Madison. The first *Lake Harbor Bill* was signed by Mr. Monroe. He never raised the constitutional question, nor do the Congressional debates of those days show that any members of either branch of Congress made any distinction between *salt* and *fresh* water improvements, or between foreign and domestic commerce. All at that time were acknowledged alike deserving the fostering care of the general government, as they also were during the administrations of the younger Adams, General Jackson, and Mr. Van Buren. Though remarkably scrupulous as to the extent to which the power to construct works of internal improvement should be exercised, General Jackson and Mr. Van Buren signed bills for the improvement of rivers and construction of harbors to the amount of \$7,800,000,

and the two bills signed by General Jackson in 1836 contained no less than eighty-nine items, and the bill of 1837 no less than fifty-nine. After the general government has expended upward of seventeen millions of dollars for works of internal improvement, and mostly in the old states, by the consent and support of the very framers of the Constitution and their contemporaries, and by men, too, of all political parties, there can now be but little consideration due the cry that 'it is unconstitutional,' or the plan of a single political party to extend the advantages of such works to the new states, and to such portions of the old states as have thus far been neglected.

Thus disposing of the constitutional and the political question, the friends of harbor and river improvements arrive at the only one which can rightfully be raised, and that is merely the question of necessity. Is it NECESSARY to protect our domestic as well as our foreign commerce? Shall we protect the *lesser* and neglect the greater? For the past three years, petitions have been presented to Congress in vain: senators and representatives in Congress have spoken in vain. The present Secretary of War, in his official reports, has recommended in vain; and the whole topographical corps has estimated in vain. Our bills have invariably been vetoed, and we have been unable to secure two thirds of the popular branch. Confident that there is wanting a knowledge of the necessity of these improvements among the people or their representatives, since all efforts at success have failed, it has been thought that a *general convention* and consultation, with personal observation, might do much for us. There is not a state in the confederacy but that touches the lakes, the ocean, or the great rivers of the West. The lakes line almost our entire northern frontier, and separate us from a foreign country; and the rivers, like arteries, run through the whole country, constituting an extent of navigation sufficient to reach round the globe.

"These great waters, for whose safe navigation this Convention is called, are soon to be united by the completion of the Illinois and Michigan Canal. The commerce of Boston, of Philadelphia, of Baltimore, of New York, of New Orleans, Cincinnati, St. Louis, and, indeed, of the whole country, thence becomes in a great measure connected. It has a common interest, and no injury *could*, and the greatest advantages *might*

rise from a common consultation. It is a notorious fact that statements, during the pendency of harbor and river bills before Congress, are made on the highest personal authority, which never would be made if the authors had any personal observation of the great inland waters of this country, or could realize the necessity of the millions whose lives and property are jeopardized by them. Delegates in attendance will not only have the advantages of their own observation to take back with them, but they can profit others meeting them here by a consultation as to the best means of redressing existing wrongs. Having done this, they can impart the proper feelings to their neighbors, and thus aid in arousing the people to take this matter into their own hands, and see that their chief interests are no longer neglected. It is confidently hoped that a more intimate acquaintance with the claims of these great waters, formed by men congregated for this special purpose from all parts of the Union, will result in sufficiently convicting and awakening the public mind to secure the constitutional majority, should a harbor bill ever again be vetoed. This Convention is designed to be one of free discussion, and it is hoped that the *opponents* as well as the *friends* of lake and river improvements will attend, and more especially since it is generally believed that they have only to see for themselves in order to be convinced that these demands, coming from all our great waters, are founded in justice.

“Although the construction of harbors and the improvement of rivers will be the prominent subject before the Convention, yet, whatever matters appertain to the prosperity of the West, and to the development of its resources, will come properly before it, and all plans and suggestions will be freely entertained. The committee invite a general attendance from all sections of the Union, and tender, in behalf of their fellow-citizens, the hospitalities of the city of Chicago to such as, impelled by a common interest, see fit to honor them by their presence on the occasion.

“JOHN WENTWORTH,	} Committee.”
GEORGE MANIERRE,	
J. YOUNG SCAMMON,	
I. N. ARNOLD,	
GRANT GOODRICH,	

A convention accordingly assembled in the city of Chicago on the 5th of July, 1847, for the purposes named in this address. The states were called over alphabetically, and committee-men to nominate officers, &c., were named from those which answered, as follows: Connecticut, John A. Rockwell; Florida, John G. Camp; Georgia, T. Butler King; Indiana, Samuel C. Semple; Illinois, Robert Smith; Iowa, N. L. Stout; Kentucky, Mr. Crawford; Maine, William S. Chandler; Massachusetts, Artemas Lee; Michigan, John Biddle; Missouri, Albert Jackson; New Hampshire, Francis S. Fiske; New York, John C. Spencer; New Jersey, Littleton Kirkpatrick; Ohio, Robert C. Schenck; Pennsylvania, A. G. Rolston; Rhode Island, Edward Seagrave; South Carolina, J. L. H. Cross; and Wisconsin, Marshall M. Strong.

Edward Bates, of St. Louis, Missouri, was elected president.

The following gentlemen were nominated vice-presidents and secretaries:

*For Vice-presidents.*

John H. Brockway, of Connecticut.	N. W. Watkins, of Missouri.
John G. Camp, of Florida.	Erastus Corning, of New York.
T. Butler King, of Georgia.	Littleton Kirkpatrick, of New Jersey.
E. W. H. Ellis, of Indiana.	Francis S. Fiske, of New Hampshire.
Charles S. Hempstead, of Illinois.	Gov. William Bibb, of Ohio.
Judge G. H. Williams, of Iowa.	Andrew M. Loomis, of Pennsylvania.
M. A. Chandler, of Maine.	Hamilton Hopper, of Rhode Island.
William F. Eustis, of Massachusetts.	John H. Tweedy, of Wisconsin.
William Woodbridge, of Michigan.	

*For Secretaries.*

Schuyler Colfax, of Indiana.	Peter McMartin, of New Jersey.
Neilson G. Edwards, of Illinois.	William J. Otis, of Ohio.
Aaron Hobart, of Massachusetts.	Frederic S. Lovell, of Wisconsin.
David A. Noble, of Michigan.	Henry W. Starr, of Iowa.
Francis U. Fenn, of New York.	A. B. Chambers, of Missouri.

A committee of two from each state and territory represented in the Convention was appointed to prepare and report such resolutions as they might recommend for its adoption. The following were the members composing it:

John C. Wright and J. W. Gray, of Ohio.  
 George A. Kuhn and Artemas Lee, Massachusetts.  
 Wm. Woodbridge and Calvin Britain, Michigan.  
 Daniel Mace and Andrew I. Osborn, Indiana.  
 John C. Spencer and Alvin Bronson, New York.  
 John D. Cook and Fletcher M. Haight, Missouri.  
 T. J. Bigham and J. C. Marshall, Pennsylvania.  
 Jesse B. Thomas and David J. Baker, Illinois.

N. P. Talmadge and J. D. Kingsland, Wisconsin.

N. O. Kellogg and Joel W. White, Connecticut.

M. A. Chandler and F. B. Stockbridge, Maine.

John G. Camp, Florida.

T. Butler King and Wm. B. Hodgson, Georgia.

George H. Williams and N. L. Stout, Iowa.

H. C. Blackbourne and T. H. Crawford, Kentucky.

Edward Seagrave and Hamilton Hopper, Rhode Island.

Roswell L. Colt and Charles King, New Jersey.

There were present about the number of two thousand five hundred delegates—men of all parties. Never, perhaps, has a larger delegated assembly met together in the United States, and never have the proceedings of a public body been marked with more harmony and union.

The people of Chicago earned for themselves a noble reputation for liberality and public spirit, by throwing open their dwellings, and welcoming strangers in thousands to their cordial and bounteous hospitality.

The Convention submitted to their fellow-citizens throughout the United States, and to the federal government, certain propositions, as expressing their own sentiments and those of their constituents. These propositions were reported by Mr. John C. Wright, of Ohio, from the committee which had been appointed to draft resolutions, and their adoption was unanimously recommended by that committee.

In Convention, the question was stated on each proposition distinctly, and the same having been debated and amended, they were adopted in the following form, all of them *unanimously*, with the exception of the last clause of the fifth proposition, which we have italicized.

#### DECLARATION OF SENTIMENTS.

“*First.* That the Constitution of the United States was framed by practical men, for practical purposes, declared in its preamble, ‘to provide for the common defense, to promote the general welfare, and to secure the blessings of liberty,’ and was mainly designed to create a government whose functions should and would be adequate to the protection of the common interests of all the states, or of two or more of them, which could not be maintained by the action of the separated states. That, in strict accordance with this object, the revenues derived from commerce were surrendered to the general government, with



the express understanding that they should be applied to the promotion of those common interests.

“*Second.* That among these common interests and objects were, 1st, foreign commerce, to the regulation of which the powers of the states severally were confessedly inadequate; and, 2d, internal trade and navigation, wherever the concurrence of two or more states was necessary to its preservation, or where the expense of its maintenance should be equitably borne by two or more states, and where, of course, those states must necessarily have a voice in its regulation; and hence resulted the constitutional grant of power to Congress ‘to regulate commerce with foreign nations and among the states.’

“*Third.* That, being thus possessed both of the means and of the power which were denied to the states respectively, Congress became obligated, by every consideration of good faith and common justice, to cherish and increase both the kinds of commerce thus committed to its care, by expanding and extending the means of conducting them, and of affording them all those facilities and all that protection which the states individually would have afforded had the revenue and the authority been left to them.

“*Fourth.* That this obligation has ever been recognized from the foundation of the government, and has been fulfilled, partially, by erecting light-houses, building piers for harbors, breakwaters and sea-walls, removing obstructions in rivers, and providing other facilities for the commerce carried on from the ports of the Atlantic coast; and the same obligations have been fulfilled, to a much less extent, in providing similar facilities for ‘commerce among the states,’ and that the principle has been most emphatically acknowledged to embrace the Western lakes and rivers, by appropriations for numerous light-houses upon them, which appropriations have never been questioned in Congress as wanting constitutional authority.

“*Fifth.* That thus, by a series of acts which have received the sanction of the people of the United States, and of every department of the federal government, under all administrations, the common understanding of the intent and objects of the framers of the Constitution, in granting to Congress the power to regulate commerce, has been manifested and has been confirmed by the people, *and this understanding has become as*

*much a part of that instrument as any one of its most explicit provisions.\**

*“Sixth.* That the power ‘to regulate commerce with foreign nations, and among the states, and with the Indian tribes,’ is on its face so palpably applicable in its whole extent to each of the subjects enumerated, equally and in the same manner, as to render any attempts to make it more explicit idle and futile; and that those who admit the rightful application of the power to foreign commerce in facilitating and protecting its operations, by improving harbors and clearing out navigable rivers, can not consistently deny that it equally authorizes similar facilities to ‘commerce among the states.’

*“Seventh.* That ‘foreign commerce’ is dependent upon internal trade for the distribution of its freights, and for the means of paying for them, so that whatever improves the one advances the other, and they are so inseparable that they should be regarded as one. That an export from the American shore to a British port in Canada is as much foreign commerce as if it had been directly to Liverpool; and that an exportation to Liverpool neither gains nor loses any of the characteristics of foreign commerce by the directness or circuitry of the route, whether it passes through a custom-house on the British side of the St. Lawrence, or descends through that river and its connecting canals to the ocean, or whether it passes along the artificial communications and natural streams of any of the states to the Atlantic.

*“Eighth.* That the general government, by extending its jurisdiction over lakes and navigable rivers, subjecting them to the same laws which prevail on the ocean, and on its bays and ports, not only for purposes of revenue, but to give security to life and property, by the regulation of steam-boats, has precluded itself from denying that jurisdiction for any other legitimate regulation of commerce. If it has power to control and restrain, it must have the same power to protect, assist, and facilitate; and if it denies the jurisdiction in the one mode of action, it should renounce it in the other.

*“Ninth.* That, in consequence of the peculiar dangers of the navigation of the lakes, arising from the want of harbors for

\* Mr. David D. Field, of New York, moved to strike out all after the word “people,” which motion was rejected.

shelter, and of the Western rivers, from snags and other obstructions, there are no parts of the United States more emphatically demanding the prompt and continued care of the government to diminish those dangers, and to protect the life and property exposed to them; and that any one who can regard provisions for those purposes as sectional or local, and not national, must be wanting in information of the extent of the commerce carried on upon those lakes and rivers, and of the amount of teeming population occupied or interested in that navigation.

*"Tenth.* That, having regard to the relative population or to the extent of commerce, the appropriations heretofore made for the interior rivers and lakes, and the streams connecting them with the ocean, have not been in a just and fair proportion to those made for the benefit of the Atlantic coast; and that the time has arrived when this injustice should be corrected, in the only mode in which it can be done, by the united, determined, and persevering efforts of those whose rights have been overlooked.

*"Eleventh.* That, independent of this right to protection of 'commerce among the states,' the right of 'common defense,' guaranteed by the Constitution, entitles those citizens inhabiting the country bordering upon the interior lakes and rivers to such safe and convenient harbors as may afford shelter to a navy, whenever it shall be rendered necessary by hostilities with our neighbors; and that the construction of such harbors can not safely be delayed to the time which will demand their immediate use.

*"Twelfth.* That the argument most commonly urged against appropriations to protect 'commerce among the states,' and to defend the inhabitants of the frontiers, that they invite sectional combinations to insure success to many unworthy objects, is founded on a practical distrust of the Republican principles of our government, and of the capacity of the people to select competent and honest representatives. That it may be urged with equal force against legislation upon any other subject, involving various and extensive interests. That a just appreciation of the rights and interests of all our fellow-citizens, in every quarter of the Union, disclaiming selfish and local purposes, will lead intelligent representatives to such a distribution of the means in the treasury, upon a system of moderation and ultimate equality, as will in time meet the most urgent wants of

all, and prevent those jealousies and suspicions which threaten the most serious danger to our confederacy.

“*Thirteenth.* That we are utterly incapable of perceiving the difference between a harbor for shelter and a harbor for commerce, and suppose that a mole or pier which will afford safe anchorage and protection to a vessel against a storm, must necessarily improve such harbor, and adapt it to commercial purposes.

“*Fourteenth.* That the imposts on foreign goods and the public lands being the common heritage of all our citizens, so long as these resources continue, the imposition of any special burden on any portion of the people, to obtain the means of accomplishing objects equally within the duty and the competency of the general government, would be unjust and oppressive.

“*Fifteenth.* That we disavow all and every attempt to connect the cause of internal trade and ‘commerce among the states’ with the fortunes of any political party, but that we mean to place that cause upon such immutable principles of truth, justice, and constitutional duty as shall command the respect of all parties, and the deference of all candidates for public favor.”

An executive committee, to consist of two from each state, was also appointed, to transmit the proceedings of the Convention to the President of the United States and to both houses of Congress, and to communicate to them such information as might be collected, to guide just and intelligent legislation. The committee was requested to collect accurate information of the nature and extent of the trade and commerce of the lakes and navigable rivers, and the amount of the losses of lives, property, and vessels by storm, for the want of adequate harbors, or in consequence of obstructions in the navigable rivers of the United States, and the condition of our harbors. The committee was also authorized to appoint such sub-committee as might be deemed necessary to carry out the objects of the resolution.

The following named gentlemen were appointed the executive committee under this resolution :

*Massachusetts.*—Abbott Lawrence, Boston ; John Mills, Springfield.

*New York.*—John C. Spencer, Albany ; Samuel B. Ruggles, New York.

*Kentucky.*—James T. Morehead, Covington.

*Indiana.*—Jacob P. Sleight, Michigan City ; Zebulon Baird, Lafayette.

*Missouri.*—Thomas Allen, St. Louis ; Joseph M. Converse, St. Louis.



*Rhode Island*.—Alexander Duncan, Providence; Zachariah Allen, Providence.  
*Iowa*.—George C. Stone, Bloomington; William B. Ewing, Burlington.  
*Ohio*.—James Hall, Cincinnati; Joseph L. Weatherly, Cleveland.  
*Connecticut*.—Thomas W. Williams, New London; Philip Ripley, Hartford.  
*Pennsylvania*.—T. I. Bigham, Pittsburg; John B. Johnson, Erie.  
*Wisconsin*.—Rufus King, Milwaukee; Cyrus Woodman.  
*Georgia*.—Thomas Butler King, Savannah; William B. Hodgson, Savanna.  
*Florida*.—J. G. Camp.  
*Michigan*.—Joseph R. Williams, Constantine; David A. Noble, Monroe.  
*Maine*.—Charles Jarvis, Surry; George Evans, Gardiner.  
*Illinois*.—David J. Baker, Alton; Jesse B. Thomas, Chicago.  
*New Jersey*.—Charles King, Jersey City; Littleton Kirkpatrick.  
*New Hampshire*.—James Wilson, Keene; John Page.

The Convention finally adjourned on the 7th of July.

The executive committee, in execution of the duty assigned them, transmitted to Congress, at a late day in the last session, a memorial, of which the Committee on Commerce, to whom, as we have stated, it was referred, thus speaks:

“It contains an argument in support of the constitutional power of Congress over this subject, and in favor of its liberal exercise, which for power and perspicuity may invite comparison with any state paper of the age. It presents a most complete and luminous exposition of the whole subject. Its transcendent ability will arrest universal attention, while its masterly reasonings and irresistible conclusions must command general assent.”

This paper is understood to be from the pen of John C. Spencer, of New York. [See Appendix B.]

As no history of this branch of the subject can be complete without it, we give place to the entire memorial.

“*To the Senate and House of Representatives of the United States of America, in Congress assembled:*

“The memorial of the subscribers, members of a committee appointed at a meeting of delegates from different parts of the Union, assembled at Chicago, in the State of Illinois, on the 5th day of July last, in the most numerous delegated Convention ever held in this country,

“RESPECTFULLY SHOWS:

“That your memorialists were instructed by the said Convention to transmit its proceedings to the President of the United States and to both houses of Congress, and to communicate such information as the said committee might be able to collect, to guide intelligent and just legislation.



“In obedience to these instructions, your memorialists now transmit herewith the ‘declaration of sentiments’ adopted by that Convention with entire unanimity, excepting the last clause of the fifth proposition, and expressing, as your memorialists believe, the universal opinions of the vast constituencies represented in that meeting. These circumstances, together with the calmness and deliberation which marked the discussions and proceedings of the Convention, and the enthusiastic approbation which the principles it avowed have received from all quarters of the country, must entitle them to the respectful consideration of the representatives of the people and of the states in Congress assembled.

“In discharge of the duty assigned them, your memorialists have collected various and extensive statistics of the greatest interest in relation to the commerce of the country, and particularly of the inland lakes and rivers.

“So far as the returns received by us extend, they not only corroborate the results contained in a report made to the Senate at its present session by the very able and enlightened chief of the Topographical Corps of Engineers (number four of executive documents), but exhibit a prodigious increase during the year 1847 of the imports and exports of different ports. To avoid encumbering this communication with details, we annex an abstract of the reports received. The facts are taken from the books of the custom-houses, where they furnish the materials, and in other cases from reliable sources of information, the respective authorities being given in the detailed reports, which are also herewith communicated. They exhibit the actual amounts of exports during the last year from ports and places on Lake Erie, and the lakes west of and connected with it, of more than sixty-four millions of dollars. This, which is believed to be under rather than above the true result, is sufficient to satisfy you that it is an interest even now worthy of attention. But when it is recollected that it is but the childhood, the infancy of a trade which is but of yesterday’s growth, and that a boundless extent of the best land on the continent is yet to be opened to cultivation, to swell the mighty torrent of trade which is to empty itself into the Atlantic, it will be difficult to fix limits to the vastness of the commerce which will call upon you for protection and aid.

“The accounts of the losses of lives and of property caused by shipwrecks and other disasters, and which, in all human probability, would have been avoided had there been adequate harbors on the lakes, we lament to say, are very deficient. There is an intrinsic difficulty in obtaining authentic accounts of such events which rest in the memory of so many individuals. In two reports which have been furnished us, we find the names of ninety vessels which have been lost since 1833 on the great lakes, besides four on Lake Superior, the value of which, and that of their cargoes, where known, exceeds \$680,000; and we find also, by one of those reports, that three hundred and sixty-seven lives are known to have been lost. A return from Oswego shows a loss of ten vessels within the present year on Lake Ontario, causing damage to the amount of \$26,250, besides injuries to cargoes to the amount of \$9375. To the above should be added the vessels that have gone ashore almost every week at different places on the lake coast. It is impossible to estimate the amount of damage the vessels themselves have received, the expense of getting them afloat and repairing them, the injury to cargoes, and the loss of time and wages.

“Some faint idea of the extent of suffering, arising from the causes mentioned, may be formed from a chronological account of disasters on the lakes during the year 1846, published in a newspaper of great credit, and which has not been questioned. We beg leave to annex it to this memorial, as furnishing a graphic account of the storms on the lower lakes, and the frequency of their occurrence.

“We know not that any language of ours could add to the impression which a simple statement of the facts ought to make upon every human heart. It is a tale of woe and distress that must excite the strongest sympathy, and prompt to the most energetic efforts to remove the causes of such unnecessary suffering. We say unnecessary, because official reports from competent and disinterested officers of the United States have, for years, been laid before Congress, demonstrating the facility and moderate expense with which the most important harbors on the lakes can be rendered accessible, and afford that shelter which is now denied to the persons and property engaged in that navigation. These reports also show the obstructions in the navigation of the lakes and rivers emptying into them,

and with what great ease and little expense they can be removed.

“The same remarks are applicable to the navigation of the Mississippi, and of the great rivers leading to it. The authentic report of the committee, appointed at St. Louis, which is communicated herewith, exhibits the vast amount of tonnage engaged in the trade on those rivers, the almost incredible value of the cargoes transported, and the great number of persons employed in it. The difficulties and obstructions in that commerce are too well known to need description here, and the facility with which they can be removed has been demonstrated so clearly by the success which has attended the few efforts heretofore made for the purpose, that no doubt can remain with the most obtuse.

“An abstract of the reports received from the ports on the Atlantic coast, and the original returns which it condenses, are also annexed, containing much valuable local information, particularly in reference to obstructions in rivers and harbors on the seaboard.

“In the further discharge of their duties, your memorialists would most respectfully submit their views in elucidation and defense of the propositions embodied in the ‘declaration of sentiments’ herewith transmitted. That document was necessarily brief and condensed, its very nature forbidding any amplification of the fundamental truths it was designed to proclaim.

“The subject requires the consideration,

“*First.* Of the constitutional power of Congress to make appropriations for the improvements contemplated by the Convention within the limitations declared by it; and,

“*Second.* The duty and expediency of exercising that power.

“And while considering the latter, it will be proper to discuss the question, whether there are other means of effecting the proposed improvements, which are just in themselves and adequate to the purpose, and which can be adopted without producing interminable difficulties between the states, and threatening the most disastrous consequences to the whole Union.

“In discussing the constitutional power, we abjure at once all considerations of danger in its exercise. If there be any, of the frightful character which has been supposed, they address themselves to the sound discretion of Congress, when called

upon to make any specific appropriation; but they have no bearing whatever upon the inquiry whether the power itself exists; and we can not but lament the perversity which seeks to intimidate from a frank, deliberate, and thorough investigation of the constitutional provisions on this or any other subject, by exaggerated appeals to the fears and prejudices of our citizens. It betrays a consciousness of weakness thus to block up the very portals of truth. We are bound to presume that the illustrious men who devoted so much time and anxious deliberation to the embodying the elements of a free government for themselves and their posterity, were not so incompetent to their task as to have adopted any provision which would produce the frauds, national demoralization, and bankruptcy which have been so freely predicted. Our inquiry now is, What is the law and testimony? What provision does the Constitution, in fact, make? not what it ought to make. And we utterly deny that the liability to abuse of any supposed power in a government is any argument whatever to prove that such power does not exist; for the undeniable truth is, that no government ever has been or can be created without possessing powers which may be used to the injury, and even ruin of its subjects, and to its own destruction. It is very true, that on the threshold of the inquiry it will occur to every mind to ask whether the power claimed is one which civilized governments usually possess; and if it be utterly unknown in the history of the world, such as never has been hitherto required by the wants of any community, then, indeed, the keenest vigilance may well be aroused to insist upon the clearest proofs of the most express and unequivocal grant of the power, and to watch most closely for any defect in the chain of argument to prove its existence. But if, on the contrary, it be a power which every other government in Christendom is admitted to possess—which has always been exercised by every government hitherto existing—a power essential to the progress of civilization, without which agriculture must languish and labor be unrewarded, commerce and trade must be impeded, and intercourse obstructed, then the inquirer will approach the investigation in a different spirit. While he will still require satisfactory evidence, he will be prepared to give a favorable ear to what may be adduced to establish the fact of such a power having been granted.



“It certainly can not be necessary for your memorialists to do more than ask any intelligent mind to which of these classes belongs the power of opening intercourse between the various sections of our vast country—the power of finishing what the God of Nature begun when he established the mighty rivers, and the still more mighty lakes which mark this continent?

“Before advancing further in this inquiry, let us endeavor to understand exactly the extent of the power over this subject claimed for Congress by the Convention whose declaration of sentiments is now before you; and it is the more necessary, in consequence of the exaggerations and misrepresentations with which the public ear has been abused.

“Its advocates have been described as seeking to establish a system of rapacity, by which unscrupulous men would enhance the value of petty localities in which they are interested at the public expense, and in respect to which the people themselves are represented as so profligate as to form extensive and dangerous combinations to render such schemes successful. What, then, does the Convention really claim? Their first proposition asserts that the Constitution was framed and mainly designed ‘to create a government whose functions should and would be adequate to the protection of the common interests of all the states, or of two or more of them, which interests could not be maintained by the action of the separated states.’ The second proposition applies this undeniable principle to ‘internal trade and navigation, wherever the concurrence of two or more states is necessary to its preservation, or where the expense of its maintenance should equitably be borne by two or more states, and where, of course, those states must necessarily have a voice in its regulation.’ Such trade and navigation could not be maintained by the action of the separated states, and, therefore, if any provision was to be made for its protection and assistance, it must necessarily be by the general government.

“Such, then, are the clear and well-defined limitations of the power in question, set forth by the Chicago Convention, and they afford in themselves the best answer to the idle declaration which represents the friends of internal improvement as seeking to establish a system which has no other limits than the ‘discretion of Congress.’ The mind which is really incapable of perceiving any distinction between the power to im-



prove the great channels of intercourse *common to two or more states*, and the authority to make turnpikes and canals *within states*, must be beyond the reach of argument. That even within the limits above defined there will necessarily be room for discretion in the selection of objects of improvement, we would not deny; and when it is shown that there is any one power of human governments that is not equally and unavoidably open to a like discretion, but not till then, we will admit that the fact that choice and selection may be exercised in reference to the subjects of a power is sufficient in itself to show that the power can not exist! in other words, that a legislative body is not to be permitted to exercise judgment and caution, and to regard utility or economy in its enactments. When a constitution shall be framed upon such principles as to deny all discretion to the legislative body, there will be little occasion for such a cumbrous and expensive machinery.

“Your memorialists can not but regret that it should be necessary to enter into an extended argument to prove the accuracy of the position assumed by the declaration of sentiments accompanying this memorial, in respect to the power of Congress to make appropriations for improvements of the character already indicated. That power is deduced from the express grant ‘to regulate commerce with foreign nations and among the states,’ and the concurrent and continuous exercise of the power from the commencement of the government, with the sanction of the people, as declaratory of the sense in which the grant was understood by all parties. The fact of such a practical construction having been given is so clearly and summarily stated by the late President Jackson, that we prefer to use his own words in one of his messages to Congress: ‘The practice,’ he says, ‘of defraying out of the treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.’

“We may add, that one of the first acts passed at the first session of the very first Congress under the Constitution was for the establishment of light-houses, buoys, beacons, and pub-

lic piers. Many of those who had been conspicuous in the debates of the Convention were members of that Congress; there is no evidence of any opposition to the act; and it was approved and signed by Washington. Similar provisions for affording facilities to commerce have been made annually by Congress down to their last session, when an act was passed making large appropriations for the erection of light-houses, buoys, and beacons, and establishing light-boats at various points on the Atlantic and upon the lakes, and upon the rivers emptying into them.

“It has been contended, however, that the power of the government, thus uninterruptedly exercised from its foundation, to erect light-houses, &c., is derived, not from their authority ‘to regulate commerce,’ but from that clause in the Constitution which authorizes Congress to *exercise exclusive legislation* over the territory which should become the seat of the federal government, ‘and to exercise *like authority* over all places purchased *by the consent of the Legislature of the state* where the same shall be, for the erection of forts, magazines, arsenals, dock-yards, *and other needful buildings* ;’ and then, by further contending that the consent of the state was by this clause required *to the erection* of such forts, magazines, &c., it has been argued that this is inconsistent with the idea that Congress possessed this power under other grants in the Constitution.

“The mistake in this argument is evident, in not adverting to the real object of the clause in question, which was not to confer any new power to erect these buildings, or to purchase the lands required for the purpose, but simply to give Congress *exclusive jurisdiction* over such places as should be purchased *with the consent of the states*, so that there should not be a divided empire between the general and state governments.

“In accordance with this view, the highest judicial federal authority has decided (3 Wheaton, 388) that Congress may purchase land for a fort or light-house, and erect such buildings *without the consent* of the state, but that, in such cases, the *jurisdiction* remains in the state, and can not be acquired by the United States otherwise than by a cession, which is to be the free act of the state.

“This was actually the case in respect to Fort Niagara, which was held for many years by the United States, without

any cession by the state ; and it was held by the courts of New York that, the state not having ceded its jurisdiction by consenting to the purchase or otherwise, it remained unimpaired. But when the state consents to the purchase, the jurisdiction at once passes to the federal government.—(17 Johnson, 225.)

“The clause referred to, it will be perceived, therefore, gives no new authority to Congress to erect forts, magazines, or other needful buildings, but gives jurisdiction over the land upon which they are erected, when the purchase of such land has been made with the assent of the state. And the fact that it does not give the authority to purchase land for those purposes, or to erect the buildings specified, but provides for the contingency of its being purchased, and confers jurisdiction when such purchase has been made with the consent of the state, is in itself the strongest evidence that the framers of the Constitution believed that such authority had already been given. And yet there is certainly no part of the Constitution which can be cited to justify such purchases, or the erection of such buildings, and public piers and beacons, or the establishing of light-boats, but that to which we have above referred, and on which we rely, the power to regulate commerce. And thus the clause of the Constitution which was adduced for the purpose of invalidating this power, in fact becomes the strongest evidence of its existence, and, taken in connection with the practice of the government, becomes conclusive and irresistible.

“It surely needs no argument to show that the buoys and boats, and piers and light-houses thus erected by the government are not in themselves commerce. They are only facilities for its enjoyment. But the moment the principle is admitted that Congress may rightfully appropriate money to promote *any* such facility, their power necessarily extends over the whole subject, and has no limit but the sound discretion of the representatives of the people and of the states, and other constitutional provisions as to the mode of its exercise. And we hence invoke the high authority not only of all preceding administrations, but also of the present President of the United States, in approving the act passed at the last session of Congress before mentioned, as an unequivocal sanction of the powers of that body to regulate commerce by furnishing facilities for its enjoyment.

“Of the same character are the appropriations for the survey of the coast of the United States. In 1807 an act was passed by which the President was authorized to cause a survey of the coast of the United States to be taken, ‘in which shall be designated the islands and shoals, with the roads or places of anchorage within twenty leagues of any part of the shores of the United States,’ and also ‘to cause such examinations and observations to be made with respect to St. George’s Bank, and any other bank or shoal, and the soundings and currents beyond the distance aforesaid to the Gulf Stream, as in his opinion may be specially subservient to the *commercial interests* of the United States.’ These surveys were warmly recommended by committees of Congress, for the express purpose of rendering facilities to commerce; and the act above quoted shows that such was the object of Congress. They were begun under Mr. Jefferson, the acknowledged author and founder of the system. It has been continued, with temporary suspensions, caused by war or the preparations for hostilities, from 1807 to this day, the regular annual appropriations continuing through all the successive administrations of the government down to and including the last session of Congress, when one hundred and forty-six thousand dollars were appropriated, with the approbation of the present President of the United States.

“Utterly vain must be any attempt to deduce the power to make these appropriations from any other grant in the Constitution but that ‘to regulate commerce.’ Their character and purpose is declared, not only by the avowed object stated in the first act on the subject, and by the cotemporaneous documentary history, but by the fact that the military and naval departments have no control whatever over the subject, and that it is placed, as a commercial measure, under the supervision of the Secretary of the Treasury. The amounts appropriated have been so large, exceeding probably two millions of dollars, that it is impossible they should have been made without deliberation.

“In reference to this power to regulate commerce, we have the authority of the Supreme Court of the United States for saying that under its sanction Congress may suspend and prohibit it, and may not only authorize importations, but may authorize the importer to sell (12 Wheaton, 447); and that com-



merce is not merely traffic, but is intercourse, and includes navigation.—(9 Wheaton, 189.)

“Having thus seen in what sense the framers of the Constitution, the Legislature, and the courts have hitherto understood the power ‘to regulate commerce with foreign nations and among the states,’ the subject will appear in a still clearer light when we find that the same construction has been given to the same power when applied to the remaining subject of the clause, ‘and with the Indian tribes.’

“From the earliest periods of our government, there has been one uniform course of legislation under this power, without impediment and without question, which has assumed the absolute right of providing for the health, the morals, the instruction, and the subsistence of these people. Agents are to be provided with vaccine matter, at the public expense, to prevent the spread of the small-pox among them; they are to be furnished with useful domestic animals and implements of husbandry, and they are to be instructed in agriculture; their children are to be taught the common branches of education; and appropriations have been made for geological and mineralogical researches in their country. It will not be pretended that Congress has any authority to pass such laws in relation to white citizens or the territory of the states; and the only possible ground on which they have been or can be maintained, is the authority ‘to regulate commerce with the Indian tribes.’

“But further and very satisfactory evidence of the meaning of the terms in discussion may be derived from the use of similar language in other parts of the Constitution. The second clause of section three, article two, contains expressions identical with those we have been discussing. It is thus: ‘the Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property belonging to the United States.’ No difference can be stated between the authority ‘to regulate commerce,’ and that now quoted, ‘to make needful rules and regulations respecting the territory.’

“Under this latter power, for there is confessedly none other that can reach the subject, the federal government has, from its earliest date to this day, legislated for the territories as fully and extensively as any state for its inhabitants. Governments



have been organized, the salaries of the officers paid, public buildings for their accommodation erected, schools and seminaries of learning provided, and systems of municipal law established for them by Congress. And, that nothing may be wanting to complete the parallel which we have instituted between the power 'to regulate' in one case, and the power 'to make regulations' in the other, in its application to the very subject under consideration, viz., the authority to make internal improvements in order to facilitate commerce and intercourse, we find the federal government, from the year 1806 down to and including the last Congress, constantly and annually 'making regulations' for the territories, by appropriating money and land to lay out and construct their roads and to improve the navigation of their rivers.

"We mean no offensive crimination by the remark that, during the many years when the present incumbent of the executive chair served as a member of Congress, we do not find any exceptions taken by him, or by any one else, to this continued exercise of the power to make regulations for the territories by the appropriations referred to; but we state the fact for the purpose of quoting his high authority in favor of the construction which we claim should be given to that and the similar power to regulate commerce.

"This construction of the power in relation to territories is noticed by the late Chief-justice Marshall, in 4 Wheaton, 422, in delivering the opinion of the Supreme Court, as having been universally admitted.

"The sense in which human language is to be understood is that which the speaker or writer intends to convey, and which is at the time conveyed to him who is addressed, as evinced by the acts of both. The exact meaning of words may be doubtful, but they are rendered precise and certain by accompanying and continuous acts. This is the basis of all interpretation. Guided by a rule so simple and plain, and of such constant use, we are not to apply the microscope to the mere shell which contains the spirit of our constitutional provisions as if we were examining a special pleading, but we are to look at the whole scope and design, as developed by a comparison of the different parts, and by the uniform, uninterrupted, and unquestionable construction given by legislators, executives, and judges, upon

the responsibility of their oaths, and sanctioned by the acquiescence of the whole people. And we can not sum up the whole argument in a more condensed form than that given by the late President Jackson, that 'the public good and the nature of our political institutions require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities on particular constructions of the Constitution on doubtful points.'

"An attempt, however, has been made to limit the application of the phrase 'regulate commerce' to such commerce as already existed, upon the assumption that it implied the pre-existence of the thing to be regulated. We submit, however, that the assumption is false in fact and in theory. The power to regulate is a power to rule, with which it is synonymous, and expresses the most unlimited authority of government over the whole subject-matter and all its incidents; and so far from being exclusively applied to subjects in existence, it ordinarily, in practice, precedes and anticipates the action to be regulated. And, to exhibit the absurdity of the criticism we are examining, we have only to state its results almost in the language of its authors. Thus, if a river be already navigable, and a commerce is carried on from its mouth to the port of another state, it may be 'regulated;' but if a sand-bar at its mouth should prevent vessels within it from launching into the ocean or the lakes to reach another state, it would be beyond the reach of the regulating power of Congress, because a commerce would thus be *created*! And such refinements, worthy of the ancient polemics, are gravely attributed to the practical men who framed our Constitution. It so happens, however, that even this subtlety is wholly inapplicable to any appropriation that has hitherto passed either house of Congress, for none has proposed the improvement of any harbor or river that had not already some commerce.

"But there is another source of power to improve rivers, harbors, and roadsteads, and which contains authority, if necessary, even to create harbors and channels of communication. We refer to the power 'to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.' Taxes and imposts may be levied to pay the debts and provide for the common de-

fense of the Union. It follows that the proceeds of such taxes and imposts may be appropriated to those objects; and, accordingly, under this power of appropriations for the common defense, coupled with those of declaring war, of raising armies, and maintaining a navy, forts, magazines, arsenals, manufactories of arms and military roads, navy yards, and dry and other docks, have been established and maintained from the day the Constitution was adopted to this moment, and appropriations for them, or some of them, have been passed at every session of Congress, without exception from any quarter. Let it be observed, that here is no latitudinarian expansion of the phrase ‘general welfare,’ so obnoxious to certain casuists, but a plain and downright application, in good faith, of a power given for definite and precise objects—the common defense, and the employment of armies and of a navy. This ‘common’ defense of the whole necessarily includes the parts, and the power must be exercised in detail, or not at all.

“Can it be doubted that the removal of shoals, bars, and snags in rivers, in order to facilitate the transmission of the munitions of war, to the frontier and every exposed part of our country, would be as legitimate an exercise of the power to provide for the common defense as the establishment of magazines, or manufactories of arms, or the casting of cannon? The munitions of war provided, and the weapons manufactured, would be of little use without the means of conveying them to the points needing the supply.

“And, with respect to harbors, the eleventh of the propositions contained in the declaration of sentiments herewith transmitted states so clearly the right of ‘the citizens inhabiting the country bordering on the interior lakes and rivers to such safe and convenient harbors as may afford shelter to a navy,’ and the duty of the government to afford them such protection, that the undersigned can add very little to enforce the right, or to render the duty more obvious. The impartial and disinterested officers of your own appointment have certified to you, that along the whole chain of lakes, extending one thousand four hundred miles between our territories and those of a foreign power, there is such a deficiency of safe harbors of easy entrance that the military and commercial marine upon these lakes is absolutely at the mercy of the winds and waves; and they

have shown you that, from the peculiar dangers of the navigation and the want of sea-room, capacious harbors are more vitally important there than on the Atlantic coast. It may happen, too, that disadvantageous circumstances may render a convenient harbor the only security against the capture of your ships by an enemy. It is not necessary to compare the relative importance of accessible harbors to the maintenance of a fleet, with navy yards and docks; it is sufficient that they are of the same character, and are equally 'necessary and proper.' It would be far more difficult, in the view of your memorialists, to deduce the authority to build an executive mansion for the President of the United States, or to purchase, repair, and maintain a congressional burying-ground, from any specific grant of power in the Constitution, than to show that the power of improving the channels of trade and intercourse between the states may be inferred from this power to provide for the common defense.

"It is not improbable that other sources of the power in question may appear, to different minds, adequate to the purpose. But the undersigned are content to rest the claim which they prefer in behalf of their constituents upon the grants of power stated in the 'declaration of sentiments,' and herein considered. It was well remarked by distinguished judges of the Supreme Court, in 9th Wheaton, that 'the same measures may be arranged with different classes of powers,' and that 'the same measures may flow from distinct powers,' under our Constitution. And he must be little acquainted with the history of governments who would urge, as an objection to any specific power, that its friends claimed that it might be exercised under different and harmonious provisions.

"But we hear it said that the Constitution does not confer on Congress the power to regulate commerce, by commencing and carrying on a 'general system of internal improvement;' as if the objection was not to any particular work, but to a general system. We confess our inability to perceive the force or the reason of this distinction. If any particular work can be justified by the importance of the commercial exigency which demands it, is not the power of Congress to facilitate commerce by any other similar work admitted? And if any work, in the judgment of Congress, possesses the requisites to bring it with-



in the constitutional provision, does it cease to possess them because the commercial facilities it affords may be augmented by its connection with other kindred works? Thus the immense commercial cargoes which now descend from Lake Michigan to the ocean, in their passage meet, successively, the flats on Lake St. Clair, in the harbor of Buffalo, and in the Overslaugh on the Hudson. The works needed to remove these three separate impediments, each highly necessary in itself, will be still more useful when all are completed; and, when constructed, will, naturally and necessarily, group themselves together, and become portions of a system. But does this afford any reason why each particular work should not be constructed? On the contrary, does it not greatly strengthen the inducement for building them all, and that, too, on a harmonious plan, so that each portion may add to the value of the whole? As well might we object to the general system of fortifications on the sea-board, that although each separate work of the series might be requisite for the common defense, yet that no power existed to unite them in a uniform plan.

“Under the general and comprehensive power to regulate commerce between the states, we claim, then, that the facilities which Congress may constitutionally afford are coextensive with that commerce, and necessarily extend to and embrace every portion of the Union. That it would be alike unwise, unjust, and repugnant to the spirit of the Constitution to lavish the public funds upon favorite objects in a few states, and exclude from just participation other and equally meritorious and necessary objects in other states; and, so far from questioning the power of Congress to combine these proper objects of national improvement in a general plan or system, we maintain it to be their peculiar duty, as far as practicable, to construct each work in reference to its harmonious connection with the whole. And, in taking this view of the subject, our quotation of the vague expression ‘internal improvements’ must not be misunderstood. We refer to works of national importance, which will essentially facilitate ‘commerce among the states,’ and not to ‘improvements’ purely local.

“With respect to the objection which has sometimes been urged of want of jurisdiction in the United States to enter upon and occupy lands and waters to construct and maintain the re-



quired improvements, it may be remarked that, if the power to regulate commerce includes, as we maintain, the authority to facilitate its operations, then all the means and incidents 'necessary and proper' are, by the terms of the Constitution, given also, and these, when necessary, may include jurisdiction for the purpose. And this has been exemplified by the laws of Congress authorizing the erection of light-houses on the shores of the lakes and interior rivers, and regulating steam vessels navigating those waters. So far from questioning the full authority of the general government, it would be much more easy to doubt the power of any state to exercise jurisdiction over navigable waters common to two or more states, and which were necessary to 'commerce among the states.'

"And, even if it were admitted that the separate states might exercise such jurisdiction, a serious, if not insuperable obstacle is interposed by the Constitution to any permanent or efficient co-operation by states having navigable waters in common, for the purpose of improving the navigation of such waters.

"This could be accomplished only by prospective arrangements to assess the proportions of expense, to preserve and repair the works constructed, and to provide the necessary supervision for their maintenance. These objects would require the adoption of mutual stipulations, which should reach far into the future; but these would constitute 'a treaty,' and that is absolutely prohibited by the 10th section of the first article of the Constitution, which declares that 'no state shall enter into any treaty, alliance, or confederation.'

"And these considerations, in themselves, furnish a strong argument in favor of the power of Congress, for they prove that it can exist nowhere else.

"Having thus shown what were the avowed objects of the Convention that appointed the undersigned in relation to internal improvements, and rescued it from the misrepresentations which perverted those objects; and having, as we trust, vindicated the power of Congress to appropriate money for those objects, we will now proceed to discuss the *expediency* of the exercise of that power.

"Before doing so, permit us to remark, that there are duties and obligations of governments, and of those who administer them, which can not be extinguished by any considera-

tions of expediency. As an instance, provisions for the common defense of the country, according to its means, may not be neglected. All vaticinations of the dangers that may arise from the performance of the duty can have no influence upon those who have accepted office under an engagement to obey the injunctions of the Constitution. If, like some of the religious denominations among us, they are conscientiously, from any cause, opposed to the execution of the power, their plain duty, as honest men, is to give place to those whose constitutional fantasies or conscientious scruples are not in conflict with their vows.

“ And, viewing the federal government in its relations to the states, there is a source of honorable obligation, more sacred, if possible, than the plain injunctions of the Constitution. This arises from the fact that, by that instrument, the revenues derived from commerce were surrendered by the states to the general government for the purpose and with the sole object of having them applied to the common interests which it was the design of the confederacy to protect and maintain. And they were thus surrendered under the pledge given in the preamble of the Constitution, that it was framed to provide for the common defense, and promote the general welfare. The states were thus deprived of the appropriate sources of revenue to improve and increase the facilities of the business which produced that revenue; and they were, as has been shown, effectually denied all power over it. Can it be supposed that the sagacious advocates of state rights and interests of that day intended to deliver up to the care of the federal government their respective states, thus stripped of the means of securing the first elements of their prosperity, and thus manacled and fettered, without an equivalent? And what was that equivalent? The only one which the case admitted, namely, the substitution of the federal government for the exercise of those powers, and the performance of those co-relative duties, which the exigencies of the confederacy forbade to the states. In the very nature of things, the federal government took the place, and received the powers, and thereby assumed those duties of the states respectively which they could not separately exercise, consistent with the peace and prosperity of the whole. This was the great compromise of the Constitution. And an obli-

gation results from it upon the federal government, which it is not at liberty to evade by suggestions, real or pretended, of the difficulties and hazards of performing its duty.

“But what are these difficulties and dangers that are so frequently paraded, with all the aggravations that may render them tragic, to ‘frighten us from our propriety?’ Let us speak to them, and see whether, like other apparitions of the imagination, they will not dissolve in the light of day.

“By classing them, we will better understand their exact dimensions.

“It is urged, first, That combinations of individual and local interests to obtain appropriations for internal improvements will be found strong enough to control legislation, absorb the revenues, and plunge the country into hopeless indebtedness.

“Second, That the subject is liable to be perverted to the worst of political purposes.

“Third, That it is impossible, in the nature of the subject, as connected with local representation, that objects of internal improvement should be weighed according to their respective merits, and appropriations confined to those whose importance would justify the employment of the revenue of the whole community.

“And, fourth, it is emphatically asked, Where shall the exercise of the power stop?

“A general reply to all these forebodings of evil is, that they are precisely such as have always been proclaimed by the adversaries of free government and of popular institutions, in Europe and in this country. Our plan of a representative democracy, in which popular sentiment should be felt, was always regarded by them as pregnant with dangers. Combinations of powerful individuals, of great states and local interests, have been freely predicted as the inevitable result of the wide scope given for their operation by our institutions. In vain have we urged the system of checks interposed against hasty and improvident legislation. In vain have we pointed to the diversified interests of the various sections of our country, as affording counteracting influences upon each other, which must forever prevent the predominance of any one; to the long term of service of the Senate, and to the executive veto; and, finally, to the judicial power to arrest unconstitutional enactments.

We have been answered by references to the ancient republics and their inability to restrain combinations, and more particularly to the disastrous results of the French Revolution of 1794, as having been produced mainly by the dictation of combined clubs. As our arguments seemed to make no impression, we quietly waited for the proof of the sufficiency of our government to maintain liberty, consistently with public order and public interests, to be developed by our history. Nearly sixty years of uninterrupted prosperity, with continual concessions to popular liberty, have furnished the expected proof. And, in the mean while, what has become of those governments in which it was supposed the dangers to be apprehended from these combinations were most effectually obviated by monarchical or aristocratic power? They have passed away and evaporated, like flax at the touch of flame. And this is our answer to all such forebodings; our fathers surveyed the ground calmly and deliberately; they were fully apprised of all the hazards attending the experiment, and yet they decided that the happiness of themselves and their posterity demanded that they should be encountered.

“Similar predictions of evil were made by those who opposed the adoption of the Constitution. The powers of Congress were represented as overshadowing the states; the danger of combinations was dwelt upon, the state sovereignty and individual liberty were to be absorbed by the monster of their imaginations. The patriotic Patrick Henry, as their chief exponent, objected particularly to the power of TAXATION given to Congress, and maintained that ‘it was *impossible* to select any subject of general taxation which would not operate unequally on the different sections of the Union, produce discontent and heart-burnings among the people, and most probably terminate in open resistance to the laws.’ He objected also to the power of raising armies and building navies, and to the control of the general government over the militia, which, with the power of taxation, he represented, gave to Congress the sword in one hand and the purse in the other, and declared, ‘unless a miracle in human affairs shall interpose, no nation ever did, or can ever retain its liberty, after the loss of the sword and the purse.’ The treaty-making power was arraigned as a most dangerous feature, ‘inasmuch as it put it in the power of the



President, and any ten senators who might represent the five smallest states, to enter into the most ruinous foreign engagements, and even to cede away the territory of the larger states.' That the pay of the members of Congress was to be fixed by themselves, was also considered a very dangerous power. The anticipations of evil then indulged might be multiplied almost indefinitely. But these are sufficient for the purpose for which they are adduced, which is to show that the conceded and uncontroverted powers of Congress are exposed to the same charges of liability to perversion, abuse, and corruption which have been so freely made against the power in question, and to show, also, the utter fallacy of all such prophecies.

"Indeed, it is inseparable from any power to do good, that it may be perverted to evil. And the history of all governments establishes one melancholy fact, that human ingenuity has not yet devised any perfect remedy for human infirmity. The theories of other governments have placed the check on this liability to abuse in the hands of a few, supposed to be the most intelligent and virtuous of the community. Our theory is directly the reverse; it places the restraining and remedial power in the hands of the many of the great mass who are interested in preserving liberty, restraining factious combinations, and sustaining law and order. To say, then, that the people themselves are or will become so corrupt and selfish that they can not be trusted in the choice of representatives to legislate on this or any other subject—that it will be impossible to have just and rational legislation on any matter, in consequence of combinations of individual and local interests, and that these combinations are liable to be perverted to the worst of political purposes, is, in effect, assailing democracy and representative governments in their very citadel. It is in open conflict with the first principle of our institutions—the moral and political capacity of the people to govern themselves—and with the American doctrine, which teaches that there is more safety in large numbers—in the masses—than in any individual, whether he be a president or a king.

"Having ourselves a firm faith in this doctrine—a faith strengthened and confirmed by our own history, and by what is passing at this moment on the European continent—a faith delivered to us by our fathers, and consecrated by their blood,



we can not surrender it. Nor do we believe that the representatives of the people and of the states in Congress will be the first to renounce and repudiate it, by declaring themselves to be unworthy and incapable, by reason of individual and local interests, to legislate upon any subject committed to their care by the Constitution.

“But we deny that there is more selfishness—more local and private interests to influence legislation on the subject of internal improvements, than upon many other subjects within the acknowledged competency of Congress. Take, for instance, the power to lay and collect imposts; in other words, the establishment of a tariff of duties on importations: where is there a greater opportunity for the combination of local and individual interests to promote selfish purposes at the expense of the country? What subject is more liable to be perverted to political purposes? What presents greater difficulty as connected with local representation, in adjusting the proper subjects for revenue, and the proper amounts to be charged on them? And yet, has not this very question been repeatedly agitated in Congress, and disposed of, without producing any of those direful consequences? We therefore dismiss these fears to the same tomb that contains the evil prophecies of the monarchists of Europe. We have outlived and falsified them. We have proved that our people are not so selfish and unprincipled, and their representatives are not so corrupt and profligate, as to be unworthy of a power to legislate upon a subject of the deepest interest to themselves.

“But we are asked, Where is this system to stop? We answer, Where the necessities of foreign commerce and commerce among the states stop; when the country has adequate harbors for the shelter of its navy and its commercial marine on our sea-coast and on our lakes; when the means of communication from the center to every assailable point of our frontier, and from supporting distances along that frontier to each other, shall have been established, and rendered as commodious as modern skill and industry can make them, then the system of appropriation for the common defense, and for facilitating commerce among the states, will stop, and Heaven forbid that it should stop any sooner. When and where, we may ask in return, is the business of legislation for this vast country to stop?

If the indefinite duration of the exercise of any power forms an objection to its being exercised at all, then your honorable bodies should adjourn, and leave the country without any regulation.

“ We are told that the policy of embarking the general government in appropriations for internal improvements had *its origin* but little more than twenty years ago, and that it became so alarming as to require the strong and stern interposition of President Jackson to arrest its progress. General Jackson himself states that the practice of appropriating money from the treasury of the United States for the establishment and support of light-houses, beacons, buoys, and public piers, to render navigation safe and easy, ‘is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.’

“ If any corroboration of his testimony be required, it will be found by referring to an official report made under a call of the Senate, by the distinguished head of the Topographical Engineers, on the 7th of January, 1847, and transmitted to the Senate by the present Secretary of War, being number forty-four of the executive documents of the second session of the twenty-ninth Congress. Annexed to this report is a recapitulation of the appropriations made in each year ‘for the construction and repair of roads, and the improvement of harbors,’ reaching back to the administration of Mr. Jefferson, which being condensed, shows those made during the different administrations as follows :

Under Mr. Jefferson .....	\$48,400
“ Mr. Madison .....	250,800
“ Mr. Monroe .....	707,621
“ Mr. J. Q. Adams.....	2,310,475
“ Gen. Jackson .....	10,582,882
“ Mr. Van Buren .....	2,222,544
“ Mr. Tyler .....	1,076,500

“ This topic has, however, been so fully and ably discussed recently, by a member of the present House of Representatives from Connecticut, and the fallacy of the statement we have quoted so thoroughly and triumphantly exposed, as to render quite unnecessary any further comment from us.

“ But, to provide some remedy for the admitted wants of the country, a suggestion has been brought out, which, if not original, has all the freshness of novelty. It is, that there is no oc-

casation for the exercise of this power by Congress, because ‘the Constitution itself indicates a process by which harbors and rivers within the states may be improved; a process not susceptible of the abuses necessarily (supposed) to flow from the assumption of the power to impose them by the general government, just in its operation, and actually practiced upon during more than thirty years from the organization of the present government.’ And we are told that this process is indicated by a passage in the last clause of the tenth section of the first article of the Constitution, by which it is provided that ‘no state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace,’ &c. And the laying of a tonnage duty by the states, with the consent of Congress, is recommended as a safe provision to accomplish all the desired objects; and among its safeguards it is specified that the funds raised ‘are to be in every instance levied upon the commerce of those ports which are to profit by the proposed improvement.’ And it is stated, that it appears in Mr. Madison’s report of the proceedings of the Convention, ‘that one object of the reservation was, that the states should not be restrained from laying duties of tonnage for the purpose of clearing harbors.’

“It is deemed necessary to a full understanding of the clause that what was actually said should be known. The report referred to says: ‘Mr. M’Henry and Mr. Carroll moved that “no state shall be restrained from laying duties of tonnage for the purpose of clearing harbors and erecting light-houses.” Colonel Mason, in support of this, explained and urged the situation of the Chesapeake, which peculiarly required expenses of this sort. Mr. Madison observed that there were other objects for tonnage duties, as the support of seamen, &c. He was more and more convinced that the regulation of commerce was in its nature indivisible, and ought to be wholly under one authority.’—(Madison Papers, 3d, p. 1587.)

“It appears, then, that the establishment of light-houses was as much an object of the reservation to the states as the clearing of harbors. If, then, the argument derived from the debates proves any thing, it proves that the maintenance of light-houses by the general government is not a power granted by the Constitution, and that they should be sustained by tonnage duties imposed by the states; and light-boats, buoys, and bea-

cons must stand upon the same footing. The practice of the government, as already shown, has given a very different interpretation. The Congress has assumed these duties without state legislation, and no one has yet been so hardy or so reckless as to deny its power and its duty to do so.

“The writers of the essays collected under the title of ‘The Federalist’ nowhere speak of this reserved power of laying a tonnage duty, and the quotation from No. 44 of that work, which has been cited as applicable to this subject, has no reference whatever to it, but relates wholly to the reserved power of laying duties on imports and exports.

“It seems to your memorialists quite evident that, under this reservation to the states of the right to lay a ‘duty on tonnage,’ it must be confined to the vessels of the state imposing it, and to foreign vessels; for by the fifth clause of the ninth section of the first article of the Constitution, it is provided as follows: ‘No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another, nor shall vessels bound to or from one state be obliged to enter, clear, or *pay duties* in another.’ We are unable to comprehend how, under this prohibition, vessels navigating from one state to another can, by any act of a state, with or without the consent of Congress, be obliged to pay a tonnage duty in such other state. The provision operates to make common highways of all the navigable waters of the states to vessels bound to or from one state, and by its terms precludes what might otherwise be claimed, a reasonable toll or compensation for making or keeping such highways in proper condition for use.

“The history of the times and of the debates in the Convention furnishes abundant evidence that, among the evils of the confederation, no one was deemed so intolerable and so destructive of the harmony and peace of the states, or so ruinous to their commerce, as the local duties imposed by several states upon cargoes and tonnage; and it seems to have been a primary object utterly and forever to abolish and prohibit them: and to this feeling do we attribute the clause in question.

“And we find that the qualification we have intimated has been recognized in several of the acts of the states imposing tonnage duties, which have received the sanction of Congress, and which have been specially communicated to your honorable



houses. Thus the act of May 6, 1796, gives the consent of Congress to an act of Maryland, ‘so far as to enable the state aforesaid to collect one cent per ton upon all vessels coming into the district of Baltimore from a foreign voyage.’ And the act of February 28, 1806, gives the like consent that the State of Pennsylvania ‘may collect a duty of four cents per ton upon all vessels clearing out of Philadelphia for any foreign port or place.’ By the act of March 28, 1806, consent is given to an act of South Carolina, authorizing ‘the city of Charleston to levy a duty not exceeding six cents per ton upon vessels entering the port of Charleston from any foreign port or place whatever.’ And by the act of April 29, 1816, the like consent is given to an act of the same state, for collecting a duty of ten cents per ton upon vessels from a foreign port.

“Having no purpose to mislead, we state, also, that we find several of the acts of Congress referred to assenting to laws of the states levying tonnage duties on ships and vessels, in some cases generally and without discrimination, and in others expressly including coasting vessels. We find but eleven distinct ports or rivers in the whole United States which have been the subject of these acts. In respect to three of them, as above stated, the duty is confined to foreign vessels. In some of the others the improvements are entirely local, and of a character which does not come within the facilities for ‘commerce among the states,’ as defined by the Chicago Convention. Of the acts referred to, three of them, assenting to laws of Alabama, do not impose tonnage duties upon vessels, but tolls upon specific articles for passing artificial structures—of most questionable validity. Another, consenting to an act of North Carolina, to provide funds for a hospital, levies a tax upon seamen, not upon vessels. Another sanctions an act of Georgia, by which the harbor-master and health officer of Savannah and St. Mary are authorized to collect tonnage duties in full of their demands for official duties! A rigid examination of others of these acts would show that they are entitled to very little weight, as constructive of the Constitution. States are employed as agencies in establishing marine hospitals, and officers of the United States are made subject to local authorities, and other provisions are sanctioned which at this day would find no support from any quarter.



“ But, whatever may be the weight of these precedents in the estimation of those who regard the continuous acts of Congress, acquiesced in by the people, as just expositions of constitutional power, yet, if they are urged as being in conflict with the authority of Congress which we claim, we submit that the number, variety, and extent of the acts which have asserted the power of the federal government to make appropriations for internal improvements, within the limits and for the purposes indicated by our constituents, greatly outweigh in point of authority the laws assenting to state duties on tonnage. But we confess our inability to appreciate the consistency of those who quote these acts as establishing the sense of the founders of our republic, and, at the same time, deny to other and more numerous acts of the same persons the least respect as constitutional expositions.

“ But, in truth, these acts are not in conflict; they do not assert any antagonist principles. With the exceptions hereafter mentioned, a state may be authorized by Congress to levy duties of tonnage for local improvements, and for creating facilities for foreign commerce, and for commerce among the states, and yet Congress may make appropriations for the same objects. And such, in fact, has been the practice of the government. In aid of the state duties to improve the navigation of the Delaware Bay, Congress has appropriated more than two millions of dollars. For improving the harbor of Baltimore, for which the state tonnage duties have been levied, there have been appropriations by Congress to the amount of more than fifty thousand dollars. And, in like manner, more than one hundred thousand dollars have been appropriated for improving the navigation of the Savannah River, notwithstanding the duties on tonnage levied by the State of Georgia, with the assent of Congress, for that purpose. Conceding, for the purpose of further consideration, that both powers are possessed by Congress, is it not evidently one of those cases of sound judgment and discretion which our Constitution intended to leave to the decision of those more immediately and practically acquainted with all the circumstances—the representatives of the people—to adopt the mode which should be most effectual?

“ And here we would remark, what significant proof do these appropriations by the federal government furnish of the utter

and total inadequacy, under the most favorable circumstances, as in the cases of Baltimore and Savannah, of these state tonnage duties to accomplish the objects intended ?

“ But it seems to have been strangely forgotten that an insuperable objection exists to the exercise of this power by the states, of levying tonnage duties upon vessels navigating the navigable waters leading into the Mississippi and the St. Lawrence Rivers. It arises from the terms of the fourth article of ‘ the articles of compact between the original states and the people and states ’ in the territory which, in 1787, constituted the territory of the United States northwest of the River Ohio. Those articles are, perhaps, the most sacred among the ‘ engagements ’ entered into before the adoption of the Constitution, whose validity and perpetual obligation are asserted and secured by the sixth article of that instrument. The fourth article of that compact provides thus : ‘ The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost, or duty therefor. ’ This last word in the passage quoted— ‘ therefor ’—is exceedingly emphatic and comprehensive. These waters are declared ‘ common highways, ’ the characteristic quality of which is, that they may be used without any charge ; but, as if this were not sufficient to preclude all cavil, it is further declared that there shall be no ‘ tax, impost, or duty therefor, ’ for using them as common highways. By the comprehensive term ‘ navigable waters ’ are included not only the lakes leading into the St. Lawrence, but the rivers flowing into them, as well as the great rivers, like the Ohio, leading into the Mississippi, and the navigable waters flowing into those rivers. These are ‘ forever free ’ from any tax or duty for using them. It is, therefore, manifestly impossible for any states, with or without the consent of Congress, to levy any ‘ duty of tonnage ’ upon vessels navigating those waters and streams, for using them as common highways. Thus it will be seen that some of the most essential facilities to navigation, such as clearing the shoals or flats in Lake St. Clair, and removing obstructions in rivers leading into the St. Lawrence or the Mississippi, can

never be accomplished by the levying of tonnage duties upon vessels navigating them.

“In the view of the undersigned, the clause in the compact of 1787, which has been quoted, strikingly exhibits the common feeling and understanding of our forefathers in relation to commercial intercourse between the states.

“A still more important inference may be drawn from this provision in the compact. The ordinance in which it is contained provides for the erection of many states out of the territory to which it relates. The framers of that ordinance had witnessed the annoyances and collisions to which trade and navigation in the confederated states had been subjected by the local impositions of the different states; they saw, in prospect, what our eyes behold—a chain of states bounded or intersected by the great lakes, the Mississippi, and the rivers flowing into them, and the St. Lawrence, having these common water-courses to conduct them to a market. And they were admonished by the examples of the Old World that interest, ambition, and rivalry would stimulate those states to efforts to enrich themselves, if not to depress their neighbors, by endless exactions upon the vessels that should pass through their respective territories. And the wonderful forecast which distinguishes that whole instrument, in nothing exhibited itself so pre-eminently as by this single provision, which closed forever this fountain of bitterness and strife.

“Insuperable obstacles, of a similar character, to any imposition of tonnage duties upon vessels navigating the Mississippi, are presented by the compacts made by the federal government with several states bordering on that river upon their admission into the Union. Thus, by the act for the admission of the State of Louisiana, April 8th, 1812, it is provided, as a condition of its admission, that ‘the River Mississippi, and the navigable rivers and waters leading into the same, and into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said state as to inhabitants of other states, without any tax, duty, impost, or toll therefor, imposed by the said state.’ A similar provision, in all respects, is inserted in the act for the formation of the State of Mississippi, March 1st, 1817; a condition of the same kind is incorporated in the act authorizing a state government for Missouri,

March 6th, 1820. The act for the admission of Arkansas (June 15th, 1836) imposes the same conditions and restrictions in relation to the Mississippi and its tributaries. The act of March 3d, 1845, for the admission of Iowa, has the same provision, declaring the Mississippi, and the navigable waters leading into the same, forever free to all citizens of the United States, without any tax, duty, impost, or toll therefor, imposed by the said state. The act authorizing the people of Wisconsin to form a state government, August 6th, 1846, provides that the River Mississippi, and all other rivers and waters bordering on Wisconsin, 'and the navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of the said state as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.' And thus we see the noble Mississippi, from its mouth to its extremest source, by compact after compact, and at every step and stage of the organization of the vast communities on its borders, guarded and protected from the burdens now sought to be fastened upon it.

"What, then, becomes of the proposed expedient of state tonnage duties, as a mode of furnishing means for improving the rivers and harbors of our widespread country? Is it not utterly inadequate, baseless, and fallacious? We see that all our navigable waters in the vast valley of the Mississippi and in the great basin of the lakes, by the most solemn compacts, are forever exonerated from the imposition of any such burden, and this grand division of our national improvements, embracing the largest geographical portion of our territory—a portion already all but predominant in political and commercial importance—can be accomplished only by the authority and at the expense of the general government. But would it be either just or expedient that the navigation of these great interior waters, thus shielded from the power of the states, should be improved and maintained at the common expense, while the residue of our rivers and harbors on the Atlantic coast and the Gulf of Mexico, similarly situated in all respects, except as to the prohibition against duties, should receive no aid from the same source? Equal and exact justice requires that the common funds should be equally and fairly distributed for the common purposes in all parts of the Union. The undersigned



would utterly misrepresent the feelings and sentiments of those who appointed them, were they to claim for the inhabitants of any of the eighteen states represented in the Chicago Convention any peculiar or local protection or benefit not conceded to all their fellow-citizens.

“And here we might close our objections to the proposed expedient of state tonnage duties, having shown that, in respect to the greatest portion of our navigable waters, its adoption is legally impossible, and that, with regard to the others, it would be partial, inequitable, and unjust; but there are other points of view in which the project may be examined, of such practical importance, and of such disastrous consequences to the whole country, that we deem it a duty to present them, in the hope that it may never again meet the favor of any statesman.

“The principle itself of local duties for any such purpose is unsound and delusive. Higher duties, of any kind, at one port than at others, must necessarily drive from it every ship that is not compelled by circumstances, or induced by some preponderating benefit, to enter it; and, consequently, if a harbor is avoided on account of the natural obstructions to its entrance, it will be still more avoided if artificial difficulties and impositions are superadded, so that the resources of such a port would be diminished instead of being increased, and the policy would defeat itself. It is believed that some ports of the United States have already furnished instances of such results.

“The system is utterly inapplicable for the removal of obstructions in navigable waters which are common to several states, and are navigated by vessels which do not enter any harbor adjacent to such obstructions. Take, as an instance, the shoals or flats in Lake St. Clair, which impede the navigation of all vessels passing from Lake Michigan into Lake Erie, or from the latter into the former. These vessels are under no necessity to enter any port within hundreds of miles of these obstructions. Where shall the tonnage duty be collected? At the port of departure, or at that of arrival? In this case, how many states will be the collectors of the duty? and under whose direction is the amount to be concentrated and expended? and what are the responsibilities for its application by the collecting states? But, supposing a collector's office established on the shore near the obstructions, re-enforced by a battery suffi-



cient to compel the vessels to come to and pay their duties, are these to be collected by the agents of the State of Michigan, and to be expended by them, or other agents under the regulations of the state? How long is it probable such a system of exactions would be submitted to by the states of Illinois, Wisconsin, Ohio, Pennsylvania, and New York, whose citizens and vessels would be the subjects of this operation?

“The same question may be put in relation to duties levied by any state bordering on the Mississippi, to remove the snags and other obstructions in that river, opposite their respective territories. The several states of Wisconsin, Iowa, Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana, have jurisdiction over portions of that river, and it is presumed that in each of those portions there are obstructions of some kind requiring removal. Are tonnage duties for these purposes to be levied by each of those states? As their jurisdictions extend to the thread of the river, would there not be some difficulty in adjusting the work to be performed among the states opposite to the obstructions to be removed? For fear of overcharging the picture, we will say nothing of the interminable discussions likely to arise respecting the faithful and judicious application, by the agents of the individual states, of the duties collected to the destined purpose. If the wit of man were taxed to devise a scheme utterly destructive of all trade, commerce, and navigation upon these waters, a better one for the purpose than this, of artificially obstructing them by hosts of collectors of tonnage duties imposed by local legislation, could not be framed.

“Allow us to refresh the memories of those who have forgotten the consequences of such a system, which prevailed under the Articles of Confederation and before the adoption of the Constitution, by a few quotations from Mr. Madison’s introduction to the debates of the Convention. ‘The same want of a general power over commerce (he observes) led to an exercise of the power separately by the states, which not only proved abortive, but engendered rival, conflicting, and angry regulations. Besides the vain attempts to supply their respective treasuries by imposts, *which turned their commerce into the neighboring ports,* \* \* \* \* \* the states having ports for foreign commerce taxed and irritated the adjoining states

trading through them.' 'In sundry instances, the navigation laws treated the citizens of other states as aliens.' 'New Jersey, placed between Philadelphia and New York, was likened to a cask tapped at both ends; and North Carolina, between Virginia and South Carolina, to a patient bleeding at both arms.'

"What could be more disastrous or more lamentable than a return to those interfering, unneighborly, and intolerable exactions of the states? The Union itself was formed, and the Constitution was adopted, for the express purpose of closing up forever these sources of animosity and discord, and these injurious impediments to intercourse between the different parts of our country, as the cotemporaneous history abundantly shows.

"Nor are we without the experience of other countries upon this same subject of local duties. In the twenty-second number of the 'Federalist,' an account was given of a similar system then existing in a portion of Europe, for the purpose of exciting the attention of the American people to its dangers and its evils, and thus disposing them to adopt the new Constitution, then under discussion. It is as follows: 'The commerce of the German empire is in continual trammels, from the multiplicity of the duties which the several princes and states exact upon the merchandise passing through their territories, by means of which the fine streams and navigable rivers with which Germany is so happily watered are rendered almost useless.' The absurdity of the system has since induced several German states to attempt a remedy; and they have established a *Zoll Verein*, or commercial union, now consisting of eighteen states, who, by a delegated council, impose one set of duties upon the intercourse and trade of the combined states, by land, with other countries, which are collected on the frontiers, and distributed among the states in a prescribed proportion. Still suffering, however, under the numerous and vexatious duties which impede the commerce carried on upon their rivers, they have been striving for years to apply the American principle of confederation to their navigable waters also, and nationalize them by one tariff of duties for the benefit of the whole; and the opportunity which has recently been presented of accomplishing an object of such deep interest and warm desire among the intelligent men of the country, will unquestionably be improved to the utmost. What a singular, and may we not say humil-

iating spectacle, would our republic present to the world if we were now to retrograde to a system of local duties, similar to those established in barbarous ages by petty despots, and maintained by feudal violence and oppression!

“It is no answer to say that these evils are obviated by the control given to Congress, by which injustice would be prevented. The system itself contemplates multitudinous duties of tonnage, by all the states having navigable waters requiring improvement: a positive and intolerable burden, by whatever authority imposed or sanctioned; besides, the efforts to obtain the sanction of Congress to the various projects of the states would at once introduce a new progeny of incalculable evils. The halls of legislation would become the theatres of conflict, by states contending for their peculiar interests; and the system of combinations, so much dreaded in reference to appropriations by Congress, would be the only system by which the tonnage duties of states would be established. In order to prevent the inequalities which would induce preferences between the ports of the large states holding the keys of communication to the interior, the duties at such ports must be regulated by those states with a view to equality, and this would be the first step to an inevitable organized combination between them, by which they would tax, for their own benefit, the products and the industry of their neighbors, under the pretext of improving navigation, by expenditures over which those neighbors, from the very nature of the case, could have no control. In this conflict, what are the probabilities of the success of any efforts that might be made by the small and interior states to resist oppression? It is unnecessary to follow out the consequences of such a system. The worst predictions of Patrick Henry and his associate opponents of the adoption of the Constitution would be more than realized. In the view of these disastrous results, it is difficult to give too broad a construction to that provision of the Constitution already quoted, which declares that vessels bound from or to one state shall never be compelled to pay duties in another.

“An idea seems to be entertained that these tonnage duties would be paid only by the owners of the shipping on which they were levied. Nothing can be more fallacious; every cent of duty or toll levied upon the means of transportation, enhances the price of the produce transported, and is paid by its owners

or consumers. If the competition in the particular article is such that its price can not exceed a certain maximum, then every new imposition is a tax upon the producer, who can not be repaid for the additional charge: but if the state of the market allows the producer to fix his own price, then the consumer pays every item of the cost of bringing the article to his hands: so that, in the present state of our trade, by the system of local tonnage duties, the agricultural and mechanical interests of the interior, forming, as they do, the great mass of producers and consumers, would pay the duties levied for the improvement of any navigable waters, or of any harbors. And thus it will be seen how unsound is the theory which has been advanced, that these local tonnage duties would be collected 'from the commerce of the ports which are to profit by the improvements.' Although in the first instance paid by that commerce, yet, as has been shown, they are ultimately taken out of the pockets of the people at large: and as the appropriations for such improvements made by Congress must come from the same source, the question at last comes to this point: Shall the means for making them be obtained under the local legislation of the states, sanctioned by Congress, and expended by those states, through their own agents, and without responsibility to the whole, or shall they be obtained by the direct consent of the representatives of all who are to pay them, be applied in the mode best calculated to promote the common and general interests of the whole, instead of the local interests of one or a few, and be expended and controlled under the authority of the government that represents all the states, with the assistance of the skill, experience, and independence of agents which that government only can supply?

It is emphatically remarked in No. 40 of the 'Federalist,' that 'the rights to the fisheries, to the navigation of the lakes, and to that of the Mississippi, are rights of the Union,' as contradistinguished from the rights of particular states. They are, indeed, national rights: they belong to the whole Union—to each and every state, and to every citizen. This right, in relation to the lakes and the Mississippi, has been consecrated by the compacts and acts to which we have already referred: national in its very nature, it would be a gross dereliction of duty in the federal government to subject it in any form, immediately or remotely, to the action of any state.



“It is a grievous mistake to suppose that this glorious Union was formed only to produce a unity of political interests. Almost every page of the debates in the Convention, and the writings of those who defended the Constitution, proclaims that a unity of *commercial interests* was equally the object of its formation. Indeed, the dangers to be apprehended from commercial conflicts were far greater than those which could arise from any other source; and the political organization was, in itself, chiefly desirable, because it combined, regulated, and controlled the conflicting commercial interests of the different states.

“No man can cast his eye over the map of the United States without being struck by the wonderful physical adaptation of its surface to the Union under one government of the people inhabiting it: a union that should rest not so much upon constitutions and compacts, as upon social and commercial interests and feelings, as expansive as the wants and affections of man, and as durable as time. Reaching from ocean to ocean, extending through the temperate into the torrid zone, it presents such a variety of climate and soil, such admirable proportions of land and water, as afford an infinite diversity of employment for labor and enterprise, and must forever prevent their undue absorption by any one, or by a few objects of culture, while they insure the production of the various elements of subsistence, clothing, and even of luxurious indulgence, without resort to any other country. And no country on the face of the globe presents greater capacities for the interchange of these productions. Not to dwell on the widespread expanse fed and watered by the Mississippi and its navigable confluent, where can be found a commercial parallel for its own gigantic course, reaching from the Gulf of Mexico 2300 miles to the northwest, where we behold one of its branches within thirty miles of the River Iroquois, which empties into Lake Superior; passing down the most extraordinary chain of lakes in the known world, 1500 miles to the St. Lawrence, and through that noble river 1000 miles, we reach the ocean, through a circuit of 5000 miles. These great conduits—the Mississippi and the St. Lawrence—are supplied by innumerable streams intersecting the whole country in every direction, which may be connected at various points with each other, or with other nav-



igable waters leading to the Atlantic, forming new circuits and channels, and affording water communication to every portion of the Union, capable of bearing freights more conducive to the prosperity of our people than rivers of gold. Immense as this view is, it is but a foretaste of what may be anticipated when the boundless regions now opening to our view in the West and the South shall be thronged with the myriads destined to occupy them.

“As the true and sure foundation of our government is in the interests and affections of the people, what more noble and holy duty remains to the statesman than that of completing and perfecting what Nature has begun, and giving to our navigable waters their full political power in binding together one brotherhood of freemen? By intercourse the most cheap and unrestrained, and by that alone, can the intelligence and sentiment of the country be brought into contact, interests and affections commingled, mountains of prejudice removed, and one genial spirit of common sympathy be diffused throughout the land.

“And shall this vast movement of commerce and intercourse be checked and obstructed by shoals, bars, snags, and driftwood, that are mere pigmy obstacles when compared with the resources of the United States, or with the immense amount of trade which they clog and impede?

“The whole amount of the appropriations hitherto made by Congress, during nearly sixty years, for works calculated to facilitate internal trade, is less than eighteen millions of dollars, but little more than half of your annual revenue, and probably not equal to three months' expenditures in waging a foreign war! And is this the fulfillment of the mission of civilization, liberty, peace, and prosperity to all, which our fathers undertook under the smiles of Heaven? Was our government made only to furnish place, office, and honors to a few, and to afford subjects for political metaphysics? or was it created for the mighty mass of minds and souls that upholds it—to afford them protection, not only in the enjoyment of political rights, but in the enjoyment and improvement of the bounties of nature? Every obstruction in a navigable river, every impediment to the entrance of a harbor, enhances the cost of transportation, and, to that extent, becomes a burden upon the products of labor, and diminishes their value, and thus causes a dead loss to the whole

community. And while the nation suffers by this diminution of its capital, the loss falls most heavily on those very classes who compose three fourths of our population, whose industry and enterprise constitute our wealth in peace and our defense in war.

“In no one subject, therefore, are the masses more deeply interested than that which relates to their safe and easy intercourse, and none embraces more persons or greater interests. It is the most essential element in all the calculations of business and in all the arrangements of life. Would it not be most extraordinary if it were true that such a subject should be wholly unprovided for in the organization of our governments, and still more, that those governments should be absolutely interdicted from providing in any way for this first want of civilized man? And yet such is the inevitable result, if the theories which we have combated are sound. It is certain that, by the operation of the Constitution and of compacts which can not be infringed, all jurisdiction over foreign commerce, and also over commerce among the states, so far as the principal navigable waters are concerned, is denied to the states severally, or to two or more of them united by an alliance for that purpose. The means and funds arising from commerce, and rightfully applicable to its protection and assistance, have been surrendered by the states to the federal government, and they have neither the power nor the means to meet the exigency. And yet it is contended that the federal government is stripped of all authority to supply the funds thus surrendered, even for the purpose of augmenting its revenues by facilitating and enlarging the commerce that produces them; for you need not be told that your foreign and domestic commerce are one and indissoluble; that without exports you can have no importations, and, of course, no revenues from imposts. And yet it is gravely maintained that the national arm is paralyzed, so that it can not raise a finger to remove a sand-bar or dig a trench, which would release annually millions upon millions of the products of your soil, and float them to every market of the world to purchase these exchanges.

“The objection that the grant of power ‘to regulate commerce’ does not authorize appropriations merely to facilitate it—to render it more safe and convenient—it is obvious, applies

to all kinds of commerce equally, to that with foreign nations, to that among the states, and to that with the Indian tribes; and it applies, also, to every species and degree of facility. If you may build a public pier, you may build two, and clear the entrance of a harbor; if you may survey your coasts to ascertain the sunken rocks or other hidden dangers to navigation, and may erect a buoy, or a light-house, or station a light-boat to warn the mariner of those dangers, surely you may remove the rocks themselves, or deepen the shoals that cause the danger. No subtlety can distinguish them in principle. And the true issue is, whether you will repudiate the construction so universally given in this and in all other cases to the power 'to regulate,' and abandon the system for the improvement of the Indian tribes—renounce the authority to constitute territorial governments, and provide for the wants of the citizens subjected to them—and give up your coast surveys, your buoys, light-houses, and public piers, as subjects altogether beyond your competency; or whether you will faithfully and fairly apply the principles coeval with our government, which have been sanctioned by the most severe of the strict construction school, and by the whole people in repeated instances, to objects and cases clearly and palpably within the range of those principles? The question upon this issue can meet but one response; it never has met but one response when public sentiment has been permitted to speak through its representatives, and that response has been, and ever will be, that the general government not only has the right, but is bound by every principle of good faith to apply the common funds of the nation to those improvements of the means of intercourse which are beyond the power or the means of the states. The expression of that sentiment may have been temporarily stifled by false alarms or by combinations of party interests, deemed at the time paramount to other considerations; but when these transient clouds have passed away, it has burst forth over and over again in all its effulgence and strength. The Convention, whose proceedings we transmit, furnishes a memorable proof, which no hardihood can question, of the universality and strength of that sentiment. It was sufficient to absorb all party impulses, to defy all political organizations, and to unite on one common platform of faith and of action multitudes from a large majority of the

states of this Union, who probably never before agreed upon any subject.

“And we can not forbear calling your attention to the stern language in which that Convention rebuked and disavowed every attempt to connect the cause of internal trade and ‘commerce among the states’ with the fortunes of any political party. It was the language of truth, and of manly firmness and sincerity. But the same resolution displays the fixed determination of our constituents to press on and persevere in their efforts, regardless of party ties and associations, until the principles which they proclaimed shall be re-established and recognized by all parties as the great elements of the political and social vitality of these confederated states.

“We appeal, then, to you, representatives of the people and of the states, to represent and reflect faithfully those deep-seated sentiments of that people—to satisfy their just and reasonable wants—to consult their vital interests—to perform a plain duty under the Constitution—to redeem the faith plighted at its adoption, and to pursue, firmly and steadily, the path marked out by our wise and patriotic fathers. We and those whom we represent ask not a reckless course of extravagant appropriations for internal improvements. We deprecate it, not only for its folly and wickedness, but because it would be most fatal to the continuance of just and reasonable expenditures. We are aware that the objects which will be presented to your attention are numerous and various, but this only proves how great and pressing is the necessity of your action. Many of these objects are equally worthy, but there are some which, on account of the magnitude of the commerce concerned, the difficulties and expenses of the undertaking, or other peculiar causes, may justly challenge priority of consideration. Plans for the gradual accomplishment of the most important objects in just and regular succession, by moderate appropriations, have been laid before Congress. Let these plans be pursued, while promiscuous and desultory expenditures are carefully avoided. Let the sanction of the disinterested, able, and scientific corps of topographical engineers, already provided for the purpose, be required to every plan of improvement, after thorough investigation of its merits, and let rigid estimates of its expenses be submitted before it be undertaken, that all may judge of the proportion between its cost and its value.

“And having thus provided the sure means of detecting useless or frivolous projects, or those requiring inordinate expenditures, there can be no danger of combinations to execute them which will not be met and overcome by the honesty, disinterestedness, and intelligence of the American Congress. The people are willing to trust their representatives; let not those representatives exhibit to the world the spectacle of refusing to trust themselves.

*“Signed by and in behalf of the members of the Executive Committee of the Chicago Convention.”*

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### THE MEMPHIS CONVENTION.

At a somewhat earlier period—on the 12th of November, 1845—a convention assembled at the city of Memphis, in the State of Tennessee.

It appears that there were present five hundred and eighty-three representatives, from the states of Pennsylvania, Virginia, North Carolina, South Carolina, Florida, Alabama, Louisiana, Texas, Mississippi, Tennessee, Arkansas, Missouri, Kentucky, Illinois, Indiana, Ohio, and Iowa.

The object of the meeting was declared to be to confer on the important agricultural, commercial, social, and political relations of the Southwestern States, and of the Valley of the Mississippi, with the other portions of the American republic, and to consult on the measures necessary to promote and protect those relations as interests in common to the whole Union. Of this Convention, John C. Calhoun, of South Carolina, was elected president.

At an early period of the meeting, it was decided with great unanimity that no questions should be entertained on which the action of the general government was to be invoked which involved any political differences of opinion as to the powers of the general government; and, in conformity with this resolve, a general committee, appointed to superintend the proceedings, presented the following resolutions as extracted from the documents and reports of the different committees on the respective objects submitted to their consideration:

“1st. *Resolved*, That the report of the various committees



presented to the Convention be printed, together with such documents accompanying them as the committee appointed to supervise the printing of the proceedings of the Convention shall deem necessary.

“2d. *Resolved*, That safe communication between the Gulf of Mexico and the interior, afforded by the navigation of the Mississippi and Ohio Rivers, and their principal tributaries, is indispensable to the defense of the country in time of war, and essential also to its commerce.

“3d. *Resolved*, That the improvement and preservation of the navigation of those great rivers are objects as strictly national as any other preparation for the defense of the country, and that such improvements are deemed by this Convention impracticable by the states or individual enterprise, and call for the appropriations of money for the same by the general government.

“4th. *Resolved*, That the deepening of the mouth of the Mississippi, so as to pass ships of the largest class—cost what it may—is a work worthy of the nation, and will greatly promote the general prosperity.

“5th. *Resolved*, That, if the policy of re-enforcing our navy with war steamers be adopted, the Western waters are proper sources of supply, as they abound in iron, the best material for their construction, and in lead and copper, important materials for munitions of war; provisions also being cheap, and the skill requisite for their construction and navigation being ample in this region, which already possesses the largest steam commercial marine in the world.

“6th. *Resolved*, That the project of connecting the Mississippi River with the lakes of the North by a ship canal, and thus with the Atlantic Ocean, is a measure worthy of the enlightened consideration of Congress.

“7th. *Resolved*, That the intercourse between the Gulf of Mexico and the Atlantic coast ought to be preserved unimpaired, and ample military and naval defense, and additional light-houses and beacons should be established along the coast of the Gulf of Mexico, at the most eligible points.

“8th. *Resolved*, That the gulf and lake coasts are greater in extent than the Atlantic seaboard; that the interests to be defended in one quarter are quite as important and altogether

as national as those in the other; and that the expenditures required for the proper defense of the gulf and lakes will fall far short of what has been as freely voted for the coast defense of the Atlantic.

“9th. *Resolved*, That Congress should establish a national armory and foundry at some point on the Western waters at as early a period as practicable.

“10th. *Resolved*, That the marine hospital on the Western and Southern waters, the construction of which has been commenced, or authorized by Congress, ought to be prosecuted to completion with the least practicable delay.

“11th. *Resolved*, That the mail service of the West and South requires great improvement in speed and regularity, and particularly on the Western waters; that measures ought to be taken for the prompt extension, by government, of the magnetic telegraph into or through the Valley of the Mississippi.

“12th. *Resolved*, That millions of acres of the public domain, lying on the Mississippi River and its tributaries, now worthless for purposes of cultivation, might be reclaimed by throwing up embankments, so as to prevent overflow: and that this Convention recommend such measures as may be deemed expedient to accomplish that object, by grant of said lands or an appropriation of money.

“13th. *Resolved*, That rail-roads and communications from the Valley of the Mississippi to the South Atlantic ports, in giving greater facilities to trade, greater dispatch in traveling, and in developing new sources of wealth, are, in all their salutary influences on the commercial, social, and political relations, strongly urged upon the consideration and patriotism of the people of the West: and they are the more recommended as works within the power of private enterprise to construct, as affording profitable investment of capital.

“14th. *Resolved*, That, in order that the earliest opportunity may be afforded for private individuals and enterprise to direct their capital and energies to the completion of the important roads projected, the Convention recommend to the delegations present to appoint committees, charged with the duty of prompt and early applications to their respective Legislatures for charters to construct such roads as may pass through their states, and to ask such aid and patronage from said states as they in

their discretion may deem proper and necessary to aid in the construction of the works.

“15th. *Resolved*, That, as many of the roads projected may pass through the public domain, this Convention would respectfully urge upon the consideration of Congress the equity of granting the right of way and alternate sections in aid of the work so situated; such grant, in the opinion of this Convention, being no more than a fair compensation paid by the proprietor for the enhanced value imparted to the section of land retained by the government.

“16th. *Resolved*, That efficient steps should be taken by the general government to move and prevent the recurrence of the obstacles in the Mississippi, opposite the city of St. Louis, so that the harbor there may at all times be accessible, as objects of public utility and of a national character, and entirely beyond the ability of Missouri to accomplish.

“17th. *Resolved*, by this Convention, That it is expedient that Congress should make an appropriation of money for the purpose of completing a military road from the west bank of the Mississippi, opposite Memphis, through the swamps to the highlands in Arkansas, in the direction of the various military posts on the Western frontier.

“18th. *Resolved*, That a dry dock and convenient arrangement for the repairs and refitting of government vessels should be established at some suitable point on the Gulf of Mexico.

“19th. *Resolved*, That the president appoint a committee of five members of this Convention to memorialize Congress on the various topics embraced in the foregoing resolutions.

“20th. *Resolved*, That the president appoint a committee of five members of this Convention to address our common constituents on the same subjects.”

A committee was appointed under the nineteenth resolution to memorialize Congress, and, in discharge of this duty, after citing the resolutions, they say:

“Your memorialists approach your honorable body with the more confidence, as they believe there is nothing recommended in the foregoing resolutions which may not claim the legitimate action of Congress, and no new project submitted not worthy of the enlightened consideration of that honorable body. The safe and certain communication between the Gulf of Mexico

and the interior states of the West; the improvement and preservation of the navigation of the Mississippi and Ohio Rivers, on which now border ten states and two territories; the connection of the Northern lakes with the Mississippi and Atlantic by a ship canal, and the keeping open the mouths of the Mississippi, so as to be accessible at all times to the largest class of vessels; the fortifying of the gulf and the lake coast, and the erection of additional beacons and light-houses; the increase of our naval marine; the establishment of naval depôts, arsenals, dry docks, armories, foundries, and marine hospitals; the reclaiming a large portion of the public domain now in swamp; the ceding the right of way and alternate sections to rail-roads passing through the public lands, and the insuring greater certainty and dispatch to mail conveyances, whether of steam or magnetic power, are objects not within the jurisdiction of a single state to control, *but common in their benefits to the whole Union*, and within the powers of the general government. Without, however, speculating on the ceded or reserved rights of the states, your committee feel confident that, under the *commercial jurisdiction* of the general government, and under the obligations *to provide for the general defense*, and as a *proprietor* of the public domain, there is no power claimed in the resolutions enumerated which may not be legitimately exercised by the Congress of the United States. If there be any doubts entertained as to the jurisdiction of the Mississippi River—which has for years been exercised in the establishment of port of entries, in the erection of light-houses, and in the supervision of steamers, and tonnage duty imposed on them—it is resolved by the fact that if the power of preserving its navigation unimpaired, and of keeping open the communication between establishments of its own creation is not in the general government, it is to be found nowhere, for no one state or territory can claim or perform what belongs *to* and requires the joint action of the many, and the free and uninterrupted navigation of which is indispensable, whether for the purpose of general trade or the means of general defense.

• Relying, therefore, on the legitimate powers of the Congress of the United States, the committee, in behalf of the states bordering on the Mississippi and Northern lakes, and of

the Gulf of Mexico, represented at the Memphis Convention, do most earnestly urge on the grave consideration of your honorable body the early and efficient exercise of your powers on all the objects enumerated in the resolutions, and which, in the opinion of the people of the West, have not hitherto commanded that attention which their importance would seem to claim from your legislation.

“The Valley of the Mississippi is no longer a territory or a frontier ; it has now become the ‘bone and sinew’—the center of the Union, standing midway between those states on the Atlantic which first gave life and impulse to our free and liberal institutions, and *those* which, under the silent but certain influences of those institutions, are destined to form new stars, to the very borders of the Pacific, in the American constellation. In the rapid progress of improvement, the Valley now numbers ten sovereign and independent states, who have become parties to the compact of the old thirteen, and contains ten millions of inhabitants, with an internal and export trade transcending all other parts of like extent and population in the world, and very near equal to the entire export and import trade of the United States. Not one tenth of its resources, either in agricultural, commercial, manufacturing, or mineral wealth, has as yet been developed. It is difficult for the most sanguine to estimate or rightly appreciate the destinies yet in store for this favored land of promise. It has, however, but one natural outlet to the highway of nations—but one common channel on which must float to market the annual productive industry of its enterprising and increasing population. This concentration of all its trade—of all its external and internal communications—on but one common avenue, renders it the still more important and necessary that the navigation of that highway for all public purposes should be preserved unimpaired, and its mouths kept unobstructed by the annual alluvial deposits brought down by the descending currents of its tributary streams. Your memorialists are bewildered by the mere speculation of what would be the terrible consequences to the commercial, social, and political relations of these United States, if, like the Nile (an event not at all impossible), the Mississippi should be closed to the *ingress* and *egress* of foreign shipping. That river is as important to states on the At-



lantic as is the Atlantic to the communities bordering on the river. They are both highways of commerce, and in all their relations to the states of the Union exercising an influence so *common* in their benefits to the whole, as to demand, as your memorialists believe it will, the supervision and protection of the general representatives in Congress. The United States of America may, for the present, be divided into three grand sections: first, the states bordering on the Atlantic; second, those bordering on the Northern lakes; and, third, those on the Gulf of Mexico, and, what may be considered an arm of that gulf, the Mississippi. The legislation of Congress has, with a vigilant eye and a liberal hand, fulfilled all its obligations to the first section. Hundreds of thousands of dollars have been expended on a preliminary work of a coast survey, to ascertain with accuracy its longitudes and latitudes, and to lay down with precision its headlands and its shoals; light-houses attract notice at every entrance, and beacons on every prominent point indicate the shoals on the coast which endanger navigation. So illuminated is the Atlantic horizon by these commercial stars, that the navigator scarcely has passed one on his stern but another casts its light on his bow. Its harbors, from St. Croix to Cape Florida, have been examined, surveyed, and re-surveyed, some of them improved, and all of them fortified. A system of military and naval preparations for defense has long been perfected, and in that section is in rapid progress of completion. The annual appropriations show the large sums which have been applied in the building of naval stations, dry docks, marine hospitals, in the furnishing of the materials of war, in the erecting of arsenals and armories, and in the casting of cannon. Under, likewise, the powers of the Post-office Department, a system has been organized by which intelligence by mails and the magnetic telegraph is extended to every village, town, and city on the Atlantic, with all the certainty and speed practicable.

On the lake border, the admonitions of the late war and its frontier relation to a foreign power have early attracted attention to the improvement of its harbors, in the erecting of light-houses, and in the military and naval preparations in progress of completion; and, although much is yet left unaccomplished in that important section, your memorialists feel assured that

it will continue to claim the impartial legislation of Congress.

“ In behalf of the last, and by no means the least important section of the Union, whether we estimate in the comparison its population, its productive industry, the capabilities of its soils, its varied agricultural and animal productions, its manufacturing powers, and its inexhaustible mineral resources—in behalf of this vast Valley of the Mississippi, and of the Gulf of Mexico, now extending from the Capes of Florida to the Rio del Norte—of this center assemblage of independent nations—of this midland body of the American Eagle, whose eastern and western wings are now expanding from the Atlantic to the Pacific, your memorialists ask no more than an *equitable* and *just proportional* legislation for their *common interests* and *protection* within the legitimate powers of the general government, which has been and is still annually claiming the consideration and action of your honorable body on the Atlantic and lake sections: they ask, not as a boon, but in *justice* and for *common good*, that the Rivers Mississippi and Ohio be kept open, and their navigation, as far as practicable, be preserved unimpaired at all times to the Gulf, believing, as they have been sustained by the unanimous voice of the Memphis Convention, that those rivers, but in a vastly greater and more imposing degree, bear the same military and commercial relations to the Gulf of Mexico as does the Chesapeake to the Atlantic. It is the right and strong arm of the Mexican Gulf—as essential to its defense in time of war as it is important to its commerce in the more pacific days of peace. But for the facilities which the Mississippi afforded for the transportation of the personnel and materiel of war, the triumphs of the 8th of January would probably have never been achieved, and the delta of Orleans would have fallen an easy victim into the hands of the invader. The angry floods, however, of that mighty stream, at the hour of danger, came to the rescue of Jackson, and inundated the plains of menaced Orleans with stout hearts and strong arms in the hour of need, as it now does its levée with the rich productions which nourish and animate its trade. In its commercial as well as its military relations to the Gulf frontier, the Mississippi claims the consideration of Congress; and to that honorable body your memorialists are instructed to ap-

peal for the appropriations which, on examination, may be found necessary to preserve, unimpaired, the navigation of the Mississippi and of the Gulf, and for those military and naval preparations in peace which may be essential in time of war. Under the first division are included light-houses, fortifications, arsenals, and a national armory and foundry. In but few of the harbors of the Gulf are there at present any fortifications. Many of them still remain exposed, while in others the works are incomplete, and most of those finished destitute of armament. The key of the Gulf, at Key West and the Tortugas, still remains unoccupied; and, although examined and reported upon many years since most favorably by a board of both military and naval engineers, as the *point* which not only commands the entrance, but would exercise a powerful control over that whole inland sea, the appropriations have as yet been limited to a sum scarcely adequate to prepare the ground for a foundation. While on the subject, your memorialists may be permitted to advert to the fact that no part of the world affords greater facilities for the construction of works of defense than do the Keys of Florida. The most important and costly material (the stone) may be quarried on the spot, and of a quality for durability such as has stood the test of ages in the impregnable fortifications at Havana. As natural appendages to these fortifications in the Gulf, your memorialists ask for armories, arsenals, and foundries on the Western waters; and in this appeal they are sustained by the consideration that munitions of war should be held in deposit at the most eligible point nearest where they may be required for use, and by the fact that no part of the Union can furnish better locations for such establishments, where the materials, the labor, and the skill can all be commanded on the spot, and applied with the greatest economy. The mineral wealth of the West is not unknown. Most of the materials now used in the Eastern armories, particularly iron, lead, and copper, are drawn from the Mississippi Valley, manufactured, and returned in a new form for use at the place from whence first removed.

“One of the resolutions relates to a national foundry: and your memorialists have been directed to impress this object particularly on the notice of your honorable body, as such an establishment, though often recommended, has not hitherto met

the sanction of Congress. Our cannon are cast by contract ; the arm which, of all others (as it endangers the life of those who use it as well as those against whom directed), should require the lights of science, and vigilant inspection in preparing the material for casting. Whatever may have been the past fidelity with which contractors have fulfilled their obligations, the melancholy catastrophe on board the Princeton inculcates a lesson that the cannon, like the arms on which the United States rely for success in war, should be fabricated in establishments under the sole direction and government of competent scientific and responsible officers of the army. In the naval defenses of the Gulf, the resolutions of the Convention enumerate the construction of war steamers, the establishment of marine hospitals, and of dry docks. These are all appendages of naval preparations for defense ; and the same arguments which enforce the propriety of the construction of armories and foundries on the Western waters, apply with equal force to those vessels of war, and establishments connected with the naval system. If iron steamers, for purposes of war, should become the policy of our government, the Western country, in the material, skill, and economy of labor at hand, will furnish the elements by which they may be cheapest constructed, and the consideration which should induce their construction in the West. Marine hospitals are so essentially a part of the naval system, that the neglect of these establishments on the Western waters, for the comfort and relief of the sailor, under all the exposure, hazards, and sufferings of his adventurous profession, is more a matter of surprise than of complaint. Your memorialists, therefore, believe that it is only necessary to advert to the fact to claim for these establishments your earliest action. Dry docks, for examination and repair in the Gulf of Mexico, would seem to be an indispensable part of a navy yard.

“The Mexican Gulf is isolated, and the intricacies of the navigation by the Florida capes and reefs add both to the hazard and the time necessary to accomplish a voyage to the Atlantic ports. The naval force, therefore, operating in the Gulf may often be embarrassed for the want of the means of supply and refitting at yards near at hand. A recent occurrence, and at a critical moment, furnished the strongest argument in favor of the policy suggested. The Potomac, the flag-ship of the

commodore, though direct from a dock on the Atlantic, was found defective on her arrival in the Gulf. Though every expedient which ingenuity could devise at the Pensacola yard was resorted to, her leaks could neither be discovered nor remedied. One day in dock would have sufficed for examination, and a few more in addition repaired her for service: but the want of a dock compelled the commodore to send her North, and her condition required an escort. Thus, at a critical period, the flag-ship and her consort were withdrawn from a fleet then engaged on a most important enterprise, in which the co-operation of these two vessels might have been indispensable to success.

“On the mail facilities, to which one of the resolutions relates, your memorialists do not deem it necessary to enlarge, as the able head of the Post-office Department is from the West, and can not be indifferent to the necessity of promptness and dispatch of the mail, or to the wants of that growing and rapidly-improving section, where towns, villages, and communities, all requiring mail facilities, rise like magic, and have confidence that the general government will extend to them the same dispatch and certainty in transmitting mail intelligence, whether by steam, horse, or magnetic power, which is afforded to other parts of the Union. The resolutions which relate to the removal of the obstacles in the Mississippi River at St. Louis, and for an appropriation for completing the military road (opposite Memphis) to the high lands in Arkansas, were objected to by many of the members of the General Committee and Convention as in conflict with the rule of entertaining no question which involved a difference of opinion on the powers of the general government. They were, however, after some discussion, passed by a majority of the Convention. Your memorialists, therefore, in presenting these among the other objects claiming your patronage, are bound to state the fact, that those who dissented from the majority of the Convention may not be considered as committed as to the legitimate power to whom application for the remedy asked should be made. The obstructions in the river at St. Louis alluded to are truly alarming to that enterprising and populous city. They are threatened with the possibility of their losing their position on the river, and of being transformed from a sea-port to an inland town: and the subject of remedy merits, as we have no doubt it will receive,



the consideration of your honorable body as to the extent to which relief can be extended.

“The road through the swamp to the high lands of Arkansas was deemed of sufficient military importance, many years ago, to command the action of government. It was surveyed, located, and in part finished by appropriations made by Congress. The recommendations in favor of the public importance of the road not only remain in full force, but are stronger, under the influences of the present day, now that the tide of emigration at full flood is setting West, and the great width and impassable character of the Mississippi swamp present such insuperable obstacles elsewhere to a communication with the high lands of the interior.

“The sixth resolution is on the project ‘of connecting the Mississippi River with the lakes of the North by a ship canal, and thus with the Atlantic Ocean,’ and is presented as a measure worthy ‘the enlightened consideration of Congress.’ As a mere speculative improvement, within the limits of a single state, simply to open a new channel between other natural outlets of commerce, this project could claim probably no action from your honorable body. As a ship canal (if practicable) connecting the northern lakes of the Mississippi with the Gulf of Mexico, it may, however, under the powers of the general government to provide for the general defense, merit ‘the enlightened consideration of Congress.’ The frontiers of the lakes and Gulf are now disconnected. They are in opposite directions, and at the extreme points of the Union, and the naval forces intended for the defense of either must be local, prepared for that specific object. By no means could they now be made to combine or co-operate together. If the Mississippi, however, could be made navigable at all seasons for war steamers, and a communication of like capacity could be opened between that river and Northern lakes, it must be apparent to your honorable body that the project might be made to contribute most essentially to the security of the country in time of war, not merely in the great dispatch secured, but in the greater economy in the application of the means to the end. It would enable our fleets to circumnavigate three quarters of the circle of the Union. It would enable one fleet to act on two frontiers, or two fleets to combine and co-operate, whether in the Gulf

or lakes, wherever danger called. The practicability of the project, established by scientific examination and survey, and its policy as a means of protection, would merit grave consideration. The resolutions relating to the reclaiming of the swamps of the Mississippi, and to the patronage of the general government in behalf of rail-roads, come within the powers and jurisdiction of Congress as a land proprietor. It is well known that the Mississippi, in its downward course to the Gulf, inundates in its annual floods an immense domain on both of its banks. Uncontrollable when the mountain elevations are discharging their accumulated waters, a boundless and agitated sea is presented, alarming even to those who have not in their improvements encroached on the low lands. The settlements of the emigrants and the labor of years have often been destroyed in a night, and during this period of flood all intercourse between the high lands east and west is cut off. At no point on the Mississippi are bluffs on one side met by corresponding headlands on the other, and thus it is only during the period of low waters that any intercourse between the hither and thither sides of the Mississippi can be maintained. These swamps, however, thus formed from alluvions of the river, are among the most fertile lands of the West, and, like those of the Nile, derive fresh vigor and fertility from every inundation. If they could be rendered safe from these overflowings, they would be the garden-spot of the United States, and contribute more to the wealth and subsistence of man than any portion of similar extent in the world. Most of the lands are owned by the United States. Private enterprise can not improve them, and no project of reclamation can be carried but by the combined operation of all concerned. The motive and consideration to reclaim them is founded in the fact of the enhanced value which will be imparted. The lands, in their present condition, are worthless; *reclaimed, they would be of inestimable value*; and your memorialists present, therefore, to your honorable body, as worthy of consideration, the plan of appropriating a part, or some other plan which in your wisdom would seem more appropriate and practicable, by which these swamps may be reclaimed for cultivation, and government indemnified for the portion surrendered in the enhanced value of the part retained.

\* Intimately connected with this subject is the improvement

of the navigation of the Mississippi. The science of the engineer has been bewildered on the subject of the improvement of rivers. Those free from rock, and which, like the Mississippi, course through alluvial formations, inundating its banks, depositing and making the very soils through which they cut, are uncontrollable and most difficult of improvement. A great engineer in England, when substituting a canal for a river, is known to have exclaimed, in explanation, ‘that rivers were made to feed canals.’ The expenditures on the Mississippi thus far, if reports are to be credited, have produced no results corresponding to the vast sums appropriated. Where the channel has been straightened at one point, it has been lengthened at another, and obstructions or deposits in one bend have only been transferred in their removal to another. Sawyers and planters have in one season been reduced in number, to be replaced the succeeding one. The only fact clearly established—and it is one to which attention should be particularly directed, as bearing with peculiar influence on the proposition submitted—is, that where the banks of the Mississippi have been leveed, and prevented from inundating the swamps, the spring rises are scarcely perceptible, and the surplus waters are discharged by *deepening the bed*; its currents no longer able to rise and expand over a wider surface, they have to deepen the bed to furnish vent for the waters to be discharged. This is particularly the characteristic of the river below Natchez, the highest point of continued embankments; the river from thence to its mouth is comparatively uninterrupted, and presents few or no sand-bars obstructing its navigation. Opposite New Orleans its depth is very great; and as the city authorities encroach on the river, it either deepens its bed or cuts from the opposite shore. The reclaiming, therefore, the swamps, and confining the river to its bed, will deepen it, and do more to preserve unimpaired the navigation of the Mississippi than all the projects which have hitherto been devised or acted on for its improvement. The suggestion, however, is worthy of examination; and it is the stronger recommended, as it may accomplish a great object at comparatively little cost. The swamps of the Mississippi, now worthless, and made so by the inundations of that river, may be made, by their own reclamation, the instruments of improving the navigation of that stream.

“The last resolution, on the subject of rail-roads, invokes no aid from your honorable body but such as, as a proprietor of the public land, it may be for the interest of the government to grant, and which would, in all similar instances, be cheerfully ceded by private individuals through whose domain a rail-road might pass. The projects which received the favorable consideration of the Convention were roads passing at right angles to the natural outlets or avenues of trade, crossing the ridges and mountains, and intersecting interior districts remote from navigation, and hitherto, from their secluded situation, of little value. They develop, therefore, new sources of agricultural and mineral wealth, and bring into more intimate commercial and political relations the West with the South Atlantic border, hitherto estranged from each other by the interposition of mountain elevations. These roads are in the direction from the seaports of South Carolina and Georgia: first, in a north-western direction to Nashville, on the Cumberland; second, to Memphis, on the Mississippi; third, by Montgomery to Vicksburg, Grand Gulf, and Natchez; fourth, from Montgomery to Pensacola, Mobile, and New Orleans. Though these roads, in their incipient conception, are made to terminate on the Gulf of Mexico and the Mississippi, they must and will advance with the onward population west, and find no *terminal short of the Pacific*.

“Sections of these roads, many of them, have been commenced, some finished, others in progress. They are all within the powers of the states and territories through which they pass to construct, and all present sufficient objects for private enterprise to embark on. Your memorialists, therefore, in behalf of the Memphis Convention, do not ask of your honorable body pecuniary appropriations in aid of these undertakings, but simply that you will, by a general law, grant the right of way and the alternate sections to those roads which pass throughout the public domain; and they ask this with the more confidence, as, from the interior position of the country through which these roads will course, they will bring into notice lands now of little value, and will, in the appreciation of the sections retained, more than remunerate government for the sections surrendered. Were your memorialists, however, authorized by the Convention, they might transcend the limits of their appli-

cation for public patronage by showing that there is more than a common interest in all the commercial, social, political, and moral influences which these rail-ways are destined to exercise on the whole United States. Steam has, in its application to machinery and navigation, revolutionized the world; and in its last application in the locomotive on land, it has achieved its greatest triumph. The antiquated notion that republics could not cover space, and were only adapted to communities limited in territory and population, the morbid sensibility of patriots now no more, and the sickening apprehensions of living statesmen that our confederation of nations would be weakened by expansion, or break down by the ponderous power of its own weight, have all been dissipated by the developments of steam on rail-ways. By the magical flights of the locomotive, and the magnetic influence of the telegraph, distant worlds have been brought into close communion, space has been annihilated, rivers leaped, and mountain elevations been subdued. The most remote communities have been narrowed into neighborhoods, and Boston and Charleston, by continuous rail-ways, have, as to time, been brought nearer to the Capitol at Washington than are many of the contiguous counties of Maryland and Virginia. These roads, then, extending with our population—following in close succession the emigrant's track to the West, making him feel that he has not separated from his kindred and friends—will prove the surest guarantees of that Union which a common origin, common sympathies, and common institutions gave rise to, and fidelity to which can alone perpetuate.

“All of which is respectfully submitted by your obedient servant,

JAMES GADSDEN, of South Carolina,

*Chairman, and in behalf of the Committee.*

J. GUTHRIE, of Kentucky.

R. BARTON, of Mississippi.

LEROY POPE, of Tennessee.

J. LUCA, of Missouri.”

This memorial was presented to the Senate of the United States by Mr. Calhoun. He remarked that it was drawn up with great ability, but that there were some of its recommendations which did not come within his view of the constitutional



power of Congress: and there were others based on grounds in which he could not agree. In all other points of the memorial he entirely concurred. He moved that it be printed for the use of the Senate, and referred to a select committee of five members. This motion was agreed to; and Messrs. Calhoun, Atchison of Missouri, Semple of Illinois, Barrow of Louisiana, and Chalmers of Mississippi, were appointed the members of the said committee.

On the 26th of June, 1846, Mr. Calhoun made a report from the committee. They confined their attention to four or five of the most important propositions contained in the memorial. Among these, they regarded the improvement of the navigation of the Mississippi and its tributaries as by far the *most* important, and accordingly directed their attention especially to it. The result of their deliberation was a unanimous opinion that Congress had the power, under the Constitution, to improve its navigation; that it was embraced in the power to regulate commerce among the states; and that it was restricted to the removal of the obstructions which endangered or impeded its navigation, one member of the committee, however (Mr. Barrow), believing the restriction to be too limited.

This report, of which we can furnish no satisfactory synopsis, is too important and valuable a document to be lightly passed over.

After stating the object of the memorial, the report says:

“Of these several objects, the improvement of the navigation of the Mississippi, including its great navigable tributaries, is by far the most important, and has accordingly received their particular attention. That great stream is the channel through which, by the aid of steam, cheap and speedy transit and intercourse are effected, not only between all parts of its immense valley, but also between it and the rest of the Union and the commercial world. And to this cheap and speedy transit and intercourse are to be attributed, even more than to its fertile soil and great resources, its almost miraculous increase in population, wealth, and improvement. So great have they been, that what sixty years ago was one vast region, with little exception, of forest and prairies, over which a few hundred thousand savages wandered, has now a population of little less than nine millions, with great and flourishing cities, abounding in opu-

lence, refined in manners, and possessed of all the comforts, and even elegance, of old and polished communities.

“But, as great as this increase and improvement have been, they are nothing compared to what may be expected in the next sixty years. They advance with an accelerated rapidity. The whole population in the entire region drained by the Mississippi did not, according to the first census (1790), exceed 200,000. According to that of 1800, it had increased, in round numbers, to 560,000. In 1810 it had increased, in like numbers, to 1,370,000; in 1820, to 2,580,000; in 1830, to 4,190,000; in 1840, to 6,370,000; and in 1846, to 8,920,000, estimated according to the ratio of increase between the census of 1830 and that of 1840. Estimating it at the same rate, it would, in 1856, exceed 20,000,000; and in 1866, 40,000,000. It is, however, scarcely possible for the increase to keep pace with the present ratio; but, after making ample allowance for its retardation with the increase of population, it may be regarded as a safe calculation that the population of the Valley will reach 25,000,000 in the next twenty years, 40,000,000 in the next forty years, and 60,000,000 in the next sixty years, unless some shock should occur which would convulse or overthrow our political institutions.

“But, as rapid as has been the increase of its population, its commerce has been still more so. It is stated, on what may be regarded as good authority,\* that, so late as 1817, ‘the whole commerce from New Orleans to the upper country was transported in about 20 barges of 100 tons each, and making but one trip per year. The number of keel-boats employed on the Upper Ohio could not have exceeded 150, of 30 tons each, and making the trip from Pittsburg to Louisville and back again in two months, and about thrice in the season. The tonnage of all boats ascending the Ohio and the Lower Mississippi was then about 6500.’ The same authority states the number of steamboats employed in navigating the Mississippi and its tributaries in 1843 to be 450; their average tonnage to be about 200; their aggregate tonnage to be 90,000; their value per ton to be \$80; their aggregate value to be \$7,200,000; the

\* “The memorial of the citizens of Cincinnati, relative to the improvement of the navigation of the Mississippi and Ohio Rivers, third session of the twenty-seventh Congress, H. R., Doc. No. 124.”

persons engaged in navigating them to be 15,750; and the expenses incidental to the navigation to be \$12,280,000. It estimates the number of flat-boats engaged in the same navigation at 4000, and the persons employed in navigating them at 20,000, and the annual cost and expense of building and navigating them at \$1,380,000. It also estimates the amount of freight, on the supposition that the boats go full freighted, at \$2,000,000 annually, and the annual value of the products of the Valley transported on the river and its tributaries at \$120,000,000, and that from other portions of the Union and foreign countries at \$100,000,000, making, in the aggregate, \$220,000,000.

• Such was the estimate of the commerce of the Mississippi, including its tributaries, made by an intelligent committee to the citizens of Cincinnati at the beginning of the year 1843. It has greatly increased since, as short as is the interval, with the rapidly-increasing population and wealth of its valley. It appears by the last annual report of the Treasury Department on the commerce and navigation of the United States, that their steamboat tonnage on the Western waters on the last of June, 1845, was 159,713 tons. It appears from the same document that the number built during the year ending on the 30th of June, 1845, on those waters, was 119, making, in the aggregate, 19,633 tons, and an average of a fraction more than 173 to a boat, instead of 200, as estimated by the Cincinnati committee. Assuming that to be the average tonnage of the boats belonging to the river, their number then would be 888, and their number now may be estimated safely at 900 boats, and their tonnage at 161,787.

• Assuming, then, the number of persons employed in navigating the Mississippi and its tributaries, and the expense of the navigation, and the value of the boats and cargoes, to be what the Cincinnati estimates make it, and that those estimates are correct, the present annual value of the commerce of the river and its tributaries would exceed three hundred millions of dollars. But, however great it may be, it is but the beginning. If the commerce of the Valley shall increase in proportion with its population, and nothing should occur to impede that, it will in a short time be more than quadrupled. Looking beyond, to a not very distant future, when this immense

valley, containing within its limits\* 1,200,000 square miles; lying, in its whole extent, in the temperate zone, and occupying a position midway between the Atlantic and Pacific Oceans; unequalled in fertility and the diversity of its productions; intersected in every direction by this mighty stream, including its tributaries, by which it is drained, and which supply a continuous navigation of upward of 10,000 miles, with a coast, including both banks, of twice that length, shall be crowded with population, and its resources fully developed, imagination itself is taxed in the attempt to realize the magnitude of its commerce. Such is the present state of the commerce of the Mississippi, including its tributaries, according to the best data that can be obtained, and such its future prospects.

“But as great as are the advantages which its waters afford to the transit and intercourse of its vast valley, its navigation is subject to serious and heavy drawbacks. Few rivers are more rapid and dangerous. It is obstructed not only by obstacles common to almost all streams—shoals and sand-bars—but its channel is thick set, in many places and for a long distance, with trunks of trees, called snags, firmly fixed in the bed of the river, with their points projecting at an angle well calculated to penetrate the bottom of a vessel which may be so unfortunate as to strike against them. And what adds to the danger, many of them have their points so far below the surface as not to be visible, but, at the same time, so near as to pierce the vessel which may come into contact with them. From these and other causes, the annual loss by the destruction of boats with their cargoes, or from damage to both, including the loss of life on the part of passengers and crew, is very great.

“It is much to be regretted that no certain information can be had of the amount of either loss or damage. The fullest and most satisfactory data which your committee has been able to obtain is contained in a supplemental statement of a report of the Secretary of the Treasury, transmitting a copy of a letter from the surveyor of the port of St. Louis.† It appears from his letter that, of the one hundred and twenty-six steamboats enrolled at St. Louis, and trading with that port during

\* “This, and all other statistical estimates where the authority is not stated, were obtained from the appropriate department of the government.”

† “House Documents, No. 170, 3d session, 27th Congress.”

the years 1841 and 1842, twenty-nine were lost. Of these, twenty-five were sunk; and of them, twenty proved a total loss, and five were raised. Of the twenty-nine lost, sixteen were sunk by snags, four by rocks, and two by ice, one by storm, two by collision, one by log, and three burned. The total loss is estimated, including destruction and damage of boats and cargoes, at \$876,700, and the loss of lives at forty-two. The value of the boats is put down at \$1,529,200 (but this is stated to be much short of their real value), and the number of hands employed at 2916. There is no estimate made of the value of the cargoes. Assuming the statement to be correct, and that the hazard of the two years represents fairly the general hazard of the steamboat navigation of St. Louis, and that, again, the general hazard of the navigation of the Mississippi, including its tributaries, which, from its position and the wide extent of its commerce, is probably not far from the truth, it would make the total average annual loss of steamboats engaged in its navigation to be a very small fraction less than  $11\frac{1}{2}$  per cent.; the loss by snags to be a little less than  $6\frac{1}{2}$  per cent.; and that by snags, rocks, and logs (that is, of obstructions susceptible of being removed), to be very nearly 8 per cent. These data would make the annual aggregate loss of boats navigating the Mississippi and its waters at the present time (estimating the number at 900) to be  $107\frac{1}{2}$  from all causes; of which fifty-seven would be from snags, and seventy-five from snags, logs, and rocks. Estimating the average value to be \$12,136 per boat (the average of the St. Louis estimate), it would make the annual aggregate loss to be \$1,306,100 from all causes, of which \$606,800 would be from snags, and \$910,200 from snags, logs, and rocks. Assuming the loss and damage of the cargo to be equal to the loss of the boat (it is put down as rather more in the St. Louis estimate), it would make the aggregate annual loss from all causes \$2,601,200; from snags, \$1,203,600; and from snags, rocks, and logs, \$1,820,200.

As great as the amount of these losses may appear to be, they would seem to be under rather than above the reality, when compared with the estimate of the Cincinnati committee, after making due allowance for the increase of the commerce of the Mississippi and the number of steamboats employed in transporting it since the time they made their report, as the



following extract will show. It states that ‘between the 11th of September and the 15th of October in the present year (1843), the losses on the Mississippi, between St. Louis and the mouth of the Ohio, a distance of only one hundred and eighty miles, were \$234,000. Within the last seventeen months there have been lost seventy-two steamboats, worth \$1,200,000, besides their cargoes, which were of great value.

“The losses paid by the insurance offices in Cincinnati alone, on boats and cargoes, during a period of five years, from November, 1837, to November, 1842, including only the losses by obstructions in the navigation, and excluding all losses by explosion, collision, fire, and other causes, have been \$442,930 89. As insurance is made also at Pittsburg, Louisville, Nashville, St. Louis, Wheeling, Natchez, New Orleans, and at some of the smaller towns, the above sum might be multiplied by seven to arrive at something like a fair approximation of the losses sustained by underwriters from the dangerous condition of the navigation; and the result would be \$3,000,000, or \$600,000 per annum. If to this be added the losses from the same cause on which there was no insurance, the amount would be not less than \$1,000,000 per annum. One million of dollars per annum is actually taxed on the commerce of the West for losses sustained in consequence of obstructions which might be wholly removed by an appropriation by Congress of a comparatively trifling sum! An additional fact showing the danger of this navigation is, that many offices have declined to insure the hulls of boats, and such risks are only taken on the best boats, and at rates varying from 12 to 18 per cent. The insurers are said to lose money at even these enormous rates. The amount, then, of the annual risk on the \$7,200,000 invested on steamboats alone, is more than \$1,000,000.’

“If there was no other evidence of the vast amount lost, the high rate of insurance, which is stated at from 12 to 18 per cent. per annum on boats, and in reference to which there can be no material error, would of itself conclusively show that the data furnished by the St. Louis statement do not make the annual loss greater than the reality. The lowest rate per cent. of insurance would indicate a loss annually of \$3,600,000 on the estimated amount of the commerce of the river.

“To this great loss of property must be added that of lives

from the hazard of its navigation; but the means for making an estimate any thing like approaching accuracy are so imperfect, that it will not be attempted. It is known to be very considerable. The St. Louis statement gives twenty-one per annum for one hundred and twenty-six boats, which would make about one hundred and thirty-five for the estimated number of boats now engaged in navigating the Mississippi and its waters.

“This great loss, both of property and life, will go on progressively increasing with the commerce of the Valley, unless something should be done to render the navigation of the river more safe. Assuming that its commerce will keep pace with the increase of population, and that the hazard will continue to be as great as it now is, the annual loss would be, in all probability, three times as great at the end of the next twenty, and five times at the end of the next forty years.

“That the navigation of the river should be rendered more safe, and that the present heavy loss, and the still heavier which may be anticipated hereafter with the increase of its commerce, be lessened by the removal of the causes of the danger, if it be practicable, will be readily admitted by all. That the principal causes—snags, logs, and rocks—can be removed in part, or whole, and that their removal would greatly diminish the hazard of its navigation, and facilitate its commerce, is unquestionable. Much, indeed, has been done already, and with highly beneficial results, in removing the greatest, by far, of all the causes of danger—snags—as the following extract from the Cincinnati report will show :

“‘This branch of the subject’ (removal of snags) ‘has already received the attention of the government, and the results of the experiments instituted have been entirely satisfactory. The snag-boat constructed under the direction of the government has been successful in removing these obstacles at a very trifling expense, and with great facility. The boat is of simple construction, yet has such power that the largest tree, however firmly fixed, is removed in a few minutes. A number of these ingenious vessels were employed for several years with such success that thousands of snags were removed from the Ohio and Mississippi, the most dangerous places were rendered perfectly safe, and the whole navigation made completely free from this formidable evil. In the year ending in September,

1833, one thousand nine hundred and sixty snags were taken up from the Mississippi, and the chances of danger diminished by at least that number. The crews of the boats were employed within the same year, when the water was too high to permit their working on the bed of the river, in felling the overhanging trees which stood on banks liable to be undermined, and removed ten thousand trees, which must soon have been precipitated into the current.

“ From 1822 to 1827, the loss of property on the Ohio and Mississippi by snags alone, including steam and flat-boats, and their cargoes, amounted to \$1,362,500. The losses on the same items from 1827 to 1832 were reduced to \$381,000, in consequence of the beneficial action of the snag-boats; and those losses were still further reduced in the years immediately succeeding by the diligent prosecution of the same service.

“ We are not aware of the causes which have induced to the discontinuance of this valuable service, but we know that the consequences have been most disastrous. For several years past the appropriations for the snag-boats have been so small as to render that service wholly inefficient, and the snags have accumulated with fearful rapidity in all the Western rivers, while the increasing amount of commerce and number of boats have swelled the danger and the losses to an appalling extent. The most fruitful causes of these losses are the snags, a species of obstruction which we have shown to be completely within the control of the government, and we therefore respectfully urge the propriety of an immediate and energetic action by the government in reference to this subject, by the construction of as many snag-boats as may be necessary, and an annual appropriation for keeping these boats in the regular service of the nation from year to year.’

“ Your committee regard the facts stated by the abstract conclusive as to the practicability and great benefit of freeing the navigation of the Mississippi, including its tributaries, of snags. If limited appropriations for a few years could so greatly lessen the danger, and do so much for the safety of its commerce by their removal, it can not be doubted that larger appropriations, continually, systematically, and judiciously applied, could free it altogether, or nearly so, from all danger of the kind. Nor can it be doubted that the same power which

could free it of danger from snags, could also from that of logs. Nor would it seem impracticable to free its channel by blasting, or some other way, of occasional rocks, which in places endanger its navigation. The joint effect of the whole would diminish the hazard of its navigation 75 per cent., according to the St. Louis estimate, while it would, at the same time, add greatly to its facility and speed, and thereby, as well as from its greater safety, lessen greatly the cost of freight and passage.

“ Having now shown the vast and rapidly-increasing value of the commerce of the Mississippi, including its tributaries, the very great losses to which it is subject, the practicability of removing the principal causes of them, and thereby greatly increase the safety and facility of its navigation, your committee are brought to the important question, By whom are they to be removed? or, to express it more broadly and fully, Who has the power, and whose duty is it, to improve the navigation of the Mississippi and its great tributaries?

“ It is certainly not that of individuals: its improvement is beyond the reach of their means and power. Nor is it that of the several states bordering on its navigable waters: it is also beyond their means and power, acting separately. Nor can it be done by their united and joint action. There are sixteen states, and two territories that soon will be states, lying either wholly or partly within the Valley of the Mississippi, and there still is ample space for several more. These all have a common interest in its commerce. Their united and joint action would be requisite for the improvement of its navigation. But the only means by which that could be obtained is expressly prohibited by the tenth section, first article, of the Constitution, which provides that ‘no state shall enter into any treaty, alliance, or confederation.’ But if neither individuals, nor states acting separately or jointly, have the power to improve its navigation, it must belong to the federal government, if the power exists at all, as there is no other agency or authority in our system of government by which it could be exercised. But if it does, it must be comprised among the expressly-granted and enumerated powers, or among those necessary and proper to carry them into effect, as under the one or the other all the powers belonging to it are to be found. And thus the question is presented for consideration, Is it to be found in either? The

decision involves important consequences. If it is not, then this great branch of our commerce—already among the greatest, and destined, in a short time, far to exceed every other—will be left exposed to the great hazard and enormous losses to which it has been shown to be subjected, without any power in the system any where to provide for its safety, although millions might be annually saved by a comparatively small expenditure, as experience has proved. Whether such be the case or not, your committee will next proceed to consider.

“Whether the federal government possesses the power or not, it is certain it has heretofore acted on the supposition that it did, as the numerous acts of Congress for the improvement of the navigation of the Mississippi, including its abundant tributaries, abundantly prove. Under what power the appropriations were made and the money expended, does not distinctly appear, but it is believed that it was under what is usually called the money power, that is, the power delegated to Congress ‘to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States.’\* ”

“Your committee, after the most mature deliberation, are of the opinion that this power does not authorize Congress to appropriate and expend money, except as a means to carry into effect some other specifically delegated. In coming to this conclusion, they concede that the provision not only delegates the power to lay and collect taxes, but also that to appropriate and expend the money collected to pay the debts and provide for the common defense and the general welfare of the United States. Such they believe to be the plain import of the words. Indeed, they can not see how any other construction can be put on them without distorting their meaning. But they deny that there is, in constitutional language, any general welfare of the United States but such as belongs to them in their united or federal character as members of the Union. The general welfare, in that language, is the welfare which appertains to them in that character, in contradistinction to their welfare as separate and individual states. Thus interpreted, the general welfare of the United States can not extend beyond the powers delegated by the Constitution, as it is only to that extent that

\* “Tenth section, first article, Constitution.”



they are united or have a federal character. Beyond this they constitute separate and distinct communities, and, as such, have no union, nor common defense, nor general welfare to be provided for. It follows, as a necessary consequence, that no power can be derived from the provision which would authorize the appropriation or application of money by Congress, except to carry into effect the powers delegated. Money, indeed, is the great and almost universal power, or rather means, by which others are carried into execution; and because it is so is the reason why the power to raise and appropriate it was specifically delegated, instead of being left to be inferred, like the other implied powers, or means to carry the delegated into execution. It was, in a word, too great and important, viewed as means, to be left to inference. Without it the government could not be carried on. Viewed, on the contrary, as a power to be used without reference to the powers specifically delegated to carry into execution whatever Congress, in its discretion, may think to be calculated to provide for the common defense or general welfare, it would not only reverse what was intended in delegating it, but make the government, in practice, one of unlimited powers.

“Nor would it weaken the force of the argument to substitute ‘national objects’ for the general welfare, as is usually done by those who believe the power to extend beyond the limits which your committee have assigned. It is, indeed, but the substitution of an expression, unknown to the Constitution, for the one which it uses, and which is not consistent with the character of the system of government it constituted. Ours is a union of sovereign states for specific objects. As members of the Union, they constitute, not a single state or nation, but a constellation of states or nations; and hence its powers, and the objects for which it was formed, are appropriately called federal, and not national. But, whether the one or the other term be used, the reason already assigned to show why the general welfare, in constitutional language, does not extend beyond the welfare of the states in their united or federal character, that is, beyond the powers delegated by the Constitution, is equally applicable. Nor would it be less applicable, be the character of the government what it may, whether federal or national, or partly federal or partly national. Be it one or the

other, it is so only to the extent of the powers delegated, and to that extent only, be it which it may, is there a general welfare or a common defense to be provided for. All beyond would appertain to the states in their separate and individual character.

“Nor can your committee concur in the opinion of the Memphis Convention, that to provide for ‘the defense of the country in time of war,’ or, to express it in constitutional language, ‘to provide for the common defense,’ authorizes the exercise of the power. They regard the expression, like that ‘to provide for the general welfare,’ to be, not a delegation of power, but a mere general designation of the powers specifically delegated to the government for the purpose of defending the country, and which are enumerated in the after part of the same section. They are, to declare war; grant letters of marque and reprisals; to make rules for captures on land and water; to provide and maintain a navy; to raise and support armies; to make rules for the government of the land and naval forces; to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions; to provide for organizing the army and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; to exercise authority over all places purchased, with the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

“Such are the powers conferred on Congress for the purpose of providing for the common defense. On a careful examination of the whole, your committee are not able to designate one, the carrying of which into execution would authorize the appropriation and expenditure of money for the improvement of the navigation of the Mississippi or any other stream. That its improvement would aid materially in the defense of the country, they readily admit; but so would a good system of rail-roads, or any measure which would contribute to develop the resources and capacity of the country, physically, intellectually, or morally. There can no addition be made to the wealth of the country, the increase of its intelligence, or the improvement of its morals, which would not add to its capacity to defend itself. But it is obvious, that to admit a construc-

tion which would have the effect to embrace all measures calculated to have such a result, under any or all of these powers, would be to confer on the federal government unlimited powers.

“Having now shown that the power to raise money, and to appropriate and expend it, is confined to carrying into execution the delegated powers, it remains to be considered whether there is any power delegated to the federal government, the carrying of which into execution would authorize appropriations and expenditures for the improvement of the navigation of the Mississippi and its waters?

“Your committee, after full and mature consideration of the subject, are of the opinion that there is, and that it is to be found in the power ‘to regulate commerce with foreign nations and among the several states,’ and more specifically in that to regulate it among the states. In order to understand the reasons which have brought them to this conclusion, it will be necessary to explain what they believe to be the nature and extent of the power conferred on Congress by the provision to regulate commerce among the states, which, without further preliminary remarks, they will next proceed to do.

“They, then, are of the opinion that, whatever may be the extent of the power conferred by the terms ‘to regulate commerce,’ which they will consider hereafter, the words ‘among the states’ restrict the power to the regulation of the commerce of the states with each other, as separate and distinct communities, to the exclusion of its regulation within their respective limits, except as far as may be indispensable to its due exercise. Their effect, in other words, is to restrict the power delegated to Congress, to regulate commerce among the states, to their external commerce with each other as states, and to leave their internal commerce, with the exception above stated, under the exclusive control of the several states respectively. Such, in their opinion, is the plain and literal meaning of the words. That they are intended to restrict the power is certain: but, if that be admitted, it would seem impossible to give any other construction to them which would not be either so rigid, on the one side, as to deprive them of all meaning, or, on the other, be so liberal as to subject the entire commerce of the states, internal as well as external, to the control of Congress. To this it may be added, that the construction which they give accords

with the reasons which governed the framers of the Constitution in delegating the power to regulate commerce with foreign nations and among the states, as a recurrence to the history of the causes which led to its formation will clearly show.

“It is well known that the present Constitution was adopted to remedy the defects of the old Articles of Confederation. Among them, none were found more embarrassing, or having a stronger tendency to weaken the Union in its foreign relations, or to alienate the attachment of the states to each other and bring them into collision, than the power they possessed under the Confederation of regulating commerce, with the exception that no state should enter into any treaty, confederation, agreement, or alliance with any foreign power or other state, without the consent of Congress, or should lay imposts or duties which may interfere with treaties entered into between the United States and foreign powers. Even this was qualified by a proviso, which prohibited Congress from making any treaty by which the states would be prevented from laying such imposts and duties as they might think proper to impose on their own citizens, or from prohibiting the exportation of any species of goods or commodities whatever.

“The embarrassments, distraction, and hazard of collisions growing out of the exercise of the power thus reserved to the states respectively to regulate their commerce with foreign nations and with each other, were so great and alarming as, in the opinion of the reflecting and patriotic, to demand a speedy and effectual remedy, and contributed, more than any other cause, to the calling of the Convention which formed the Constitution, as is well known. Care was accordingly taken to apply effectual remedies, as might be expected, by delegating to the newly-formed government the exclusive power of regulating the commerce of the states with foreign nations and with one another, and prohibiting, without qualification, the states from entering into any treaty, alliance, or confederation, as has been stated. But equal care was at the same time taken not to extend the remedy beyond the evil. And hence the restriction which limits the power to regulate commerce to the external relations of the states with foreign nations and each other, to the exclusion of their internal commerce, as the evil to be remedied resulted wholly from the one, and not at all from the other.



"Having now shown what is the restriction imposed on the power by the terms 'among the states,' your committee will next proceed to consider what power is conferred on Congress within that restriction by the terms 'to regulate commerce.'

"They are of the opinion, after due reflection, that they confer on it all the powers which, by a fair interpretation, belonged to them, as fully as the states themselves possessed it, except such, if there be any, as may be prohibited by the Constitution from being exercised, either expressly or impliedly. That they confer on Congress all the power to regulate commerce with each other, with that exception, would seem to be so clear as hardly to admit of doubt, as the words by which it is delegated are used without qualification or condition. But, if there should be room for doubt, it would be removed by adverting to the reason for delegating the power. It was not to limit or prohibit it as a power of a dangerous character, and which, on that account, ought to be restricted or prohibited. On the contrary, it was regarded as one of the utmost utility, and on the proper control of which the prosperity of the states essentially depended; and it was accordingly for the purpose of obtaining such control, as well as to prevent collision among the states, and not to restrict or prohibit it, that it was delegated to the federal government, as their common representative and organ, in their external relations with each other and foreign nations. When it is added that such is admitted to be the true construction in reference to the latter, and that the phraseology is the same in reference to both, it would seem to exclude the possibility of doubt as to its being so also in reference to the former. The only difference between the two cases is, that the power is divided in its exercise between the law-making and treaty-making organs of the government in regulating commerce with foreign nations, while in that of regulating it among the states it is vested exclusively in the law-making, as from necessity it must be, where the treaty-power among federal states is delegated to their common government.

"It remains now to be considered, What power would a fair interpretation of the terms 'regulate commerce' confer on Congress? Or, to express it more fully, what power did the framers of the Constitution intend to delegate to it in using those terms? Your committee regard it as fortunate that, in their



endeavor to ascertain what power they intended to delegate, they are not thrown on the vague meaning of the terms as used in common parlance. There are few words in the language, when thus used, more vague than the verb *to regulate*. It has, as commonly used, all the shades of meaning, from the mere power of prescribing rules, to that of having absolute and unlimited control over the subject to which it is applied. Nor is the term *commerce* free from ambiguity when so used. It sometimes means trade simply; and at others, trade and transit, or navigation when the transit is by water. But the case is different when they are applied to constitutional or legal subjects. When so applied, their meaning is so much more precise that they may be regarded as almost technical. They occupy a large space both in our own code of laws, and that of the country from which we derive our origin and language. And what contributes still more to the precision of their meaning is, that they occupied a prominent place in the discussion which preceded and led to the Revolution that separated the two countries, particularly as it relates to the distinction between the power to lay taxes and that to regulate commerce. The latter, it was admitted, belonged to the parent country, while the former was denied and resisted. Many of the framers of the Constitution, who were able statesmen and learned lawyers, took an active part in this discussion, and were familiar with the meaning of the terms, as politically and legally applied at the time. Under such circumstances, it is a fair presumption that in using them, in delegating the power, they intended to attach a meaning to them similar to that in which they had been in the habit of employing them in their political discussions, and in which the states had been accustomed to use them in legislating on the subject of regulating commerce prior to and subsequent to the Revolution.

“Assuming such to be the case, your committee are brought to the question, What powers were the states accustomed to exercise in regulating their commerce before and at the time of the adoption of the Constitution, as far as they relate to its safety and facility? The answer will solve the question as to the true meaning of the terms, and the kind of powers intended to be delegated to Congress in reference to them.

“In order to understand why the states exercised the kind

of powers they were accustomed to do, at and before the adoption of the Constitution, for the safety and facility of their commerce, it is necessary to bear in mind that they were then confined to the Atlantic coast, along which they extended from New Brunswick to Florida, and that their commerce with each other was confined to the coast and its bays. On turning to their legislation during that period, it will be found that the powers they exercised for that purpose were restricted to the establishment of light-houses, buoys, beacons, and public piers. They are all of a description well adapted and necessary to guard against the dangers and impediments to which such a commerce as they then carried on was exposed; while they were, at the same time, such as would be neglected, or not established at all, unless the public took charge of them, because individuals had neither adequate motive nor power to establish or attend to them. That the power to establish them refers to that of regulating commerce, may be certainly inferred from the motives and object of their establishment; and that commerce, in legal language, embraces navigation as well as trade, may, with not less certainty, be inferred from the same circumstance, as they relate directly and exclusively to navigation. If we turn from the legislation of the states prior to the adoption of the Constitution to that of the federal government, it will be found that it confirms not only the correctness of these inferences, but all that your committee has stated in this connection, as they will next proceed to show.

“So important was the power to regulate commerce, and especially among the states, regarded, that it was among the first subjects which claimed the attention of the government after it went into operation. On the 7th of April, 1789, just a month after the commencement of the government, an act of Congress became a law, by the approval of the President, entitled ‘An Act for the Establishment of Light-houses, Buoys, Beacons, and Public Piers;’ that is, moles raised for the shelter of vessels against storms or ice. It provides that all the expenses which shall accrue for the support, and maintenance, and repairs of such as were erected, placed, or sunk by the states before the passing of the act for the safety and ease (facility) of navigation, shall be defrayed out of the treasury of the United States, with the proviso that the expense should not be paid by the

United States after one year, unless they should be ceded and vested in the United States by the states to which they belong, with the lands and tenements appertaining to them. It also provided for the erecting of a light-house near the entrance of the Chesapeake Bay, and for the expense of keeping, rebuilding, and repairing of the establishment. These provisions furnish conclusive proof that the states, under the power to regulate commerce, established light-houses, buoys, beacons, and public piers; that Congress regarded the power as delegated to it to the same extent; that the object of the power was the increased safety and facility of commerce along the coast; that it appertained especially to the regulation of commerce among the states, as the portion of the ocean in its vicinity is the great common highway of the commerce of the states bordering on it; and that it embraced navigation as well as trade. It may be added, in confirmation of the construction which places this establishment under the control of the government, that it accords with the practice of the government of the country from which we derive our language and origin; with this difference, that there the establishment was principally under the control of incorporated companies or individuals, but subject to the legislation of Parliament, as must have been well known to the framers of our Constitution.

“In carrying the power into execution, Congress has studded the coast with light-houses and beacon-lights, to guide in safety the mariner by night on his voyage, against the danger of capes, reefs, and shallows, and has thickly planted buoys at the mouths of harbors and inlets, to point out the narrow channels through which he may safely pass into them. It has gone further, and constructed public piers (including harbors of protection), where vessels can take shelter against storms and ice, and annually expends a large sum in repairing, supporting, and enlarging the establishment. To this add that the power, to this extent, has been exercised by Congress from the beginning of the government until the present time, without interruption or being seriously questioned as to its constitutionality, either in or out of Congress, during that long period, and it may be safely inferred that they have not erred in placing the construction they have on it.

“Having now shown that the power to regulate commerce,

fairly construed, embraces the establishment of light-houses, buoys, beacons, and public piers, for the increased safety and facility of the commerce of the Atlantic coast, your committee will next proceed to consider the question whether it may not be constitutionally applied to increase the safety and facility of the commerce of the Mississippi and its waters.

“It is admitted that the framers of the Constitution, in delegating the power, had in contemplation the Atlantic coast only. At the time, but a very small portion of our population had passed the Alleghany Mountains into the Valley of the Mississippi, as has been stated, and none had reached the St. Lawrence and its lakes. There was not a single state situated wholly within the Valley. Indeed, the greater part, including the whole of its right bank, and all on both banks below the thirty-first parallel, belonged to Spain, who claimed the exclusive right to navigate the river to the south of it, and a right in common with us to the residue. In such a state of things, it is not probable that the navigation of a river so full of obstructions, and with a current too rapid for ascending navigation, with the power then used for propelling vessels on its waters, ever occurred to the framers of the Constitution, while deliberating on delegating the power in question. But, although their attention was directed to a particular case, they were too wise to provide a remedy applicable exclusively to it, by restricting it to the coast navigation, or to the establishment of light-houses, buoys, beacons, and public piers. They looked to the future, and provided one of a more comprehensive character, and calculated to remedy the evil in whatever form it might appear.

“Great changes have since occurred. We have acquired the entire Valley of the Mississippi, and have the exclusive control of its commerce. What was then an almost uninhabited wilderness, now contains nearly one half of the population of the whole Union, and many great and flourishing states. Its commerce, then of small amount, and carried on in frail boats of small tonnage, and impelled by a power too weak to ascend its stream, now rivals that of the coast in amount, the cost and size of the vessels by which transported, cheapness of freight, rapidity of transit, and the force by which they are impelled: a force so great as to completely overcome its turbid and rapid



current. It has done more. It has so intimately united the navigation of the river and the Gulf, that vessels navigating the one may the other, so as to pass and repass to and from each other in one continuous voyage, just as if (for all practical purposes) the Mississippi was a part of the Gulf or an inland sea.

“In consequence of these great changes, the reasons which influenced the framers of the Constitution to delegate to Congress the power to regulate commerce among the states are now as applicable to the states bordering on the Mississippi and its great tributaries, as it was then to those bordering on the Atlantic coast. If it was necessary to delegate it in reference to the latter, to prevent embarrassment and collision between them in consequence of each regulating its commerce with the other, the necessity is equally urgent in reference to those bordering on the Mississippi, for the same reasons. Indeed, it may be said to be more so, because numerous states grouped together on a large stream and its tributaries, and depending on its navigation exclusively as the medium of their commerce with each other and the rest of the world, would be much more exposed to embarrassments and collisions, without a common power to regulate their commerce, than those stretched out on a long line of sea-coast. The latter might possibly manage each to regulate its own commerce without a common power, but without such a power the former would almost necessarily be involved in continued conflict and hostilities. So, again, the necessity of a common power to regulate commerce among them, in reference to the safety and facility of its navigation, is greater in relation to the states on the borders of the Mississippi, including its tributaries, than on the coast, as the dangers and impediments to which it is exposed are greater, while from their character they may be more effectually guarded against by being removed.

“So urgent, indeed, is the necessity of a common power to regulate its commerce, that it may be safely affirmed that it would require a confederation among the states on its borders for that purpose, as the only means of preserving peace and preventing the most deadly conflicts among them, destructive alike to their commerce and prosperity, had not the Constitution divested the states of the power, and delegated it to the federal government. If to these urgent reasons for a common



power to regulate the commerce of the Mississippi, including its great tributaries, we add that the states directly interested are positively prohibited by the Constitution from entering into any treaty, alliance, or confederation, and, of course, from adopting the only means by which such a power could be created by them, and that the river is made, by the same instrument, the common highway, in fact, for all their vessels and those of the whole Union navigating it, by providing that 'vessels bound to or from one state shall not be obliged to enter, clear, or pay duties in another,'\* the conclusion is irresistible that its commerce comes as fully within the power to regulate commerce as that of the coast itself. There is, indeed, nothing in the terms by which it is delegated, or in the nature of the power or the reasons for delegating it, which can possibly exclude it.

"Assuming it, then, as unquestionable that the power is as applicable to the one as the other, it follows necessarily that the right of Congress to establish light-houses, buoys, beacons, and public piers, as far as they may be necessary for the safety and facility of navigation, is as full and perfect in reference to that of the Mississippi as that of the Atlantic coast. Thus far there can be no doubt. Indeed, they have been established on the lakes of the St. Lawrence, where they are as necessary as on the coast, without objection or question, although their commerce was as little in contemplation of the framers of the Constitution, as has been stated, as was that of the Mississippi.

"The doubt, then, if doubt there be, is reduced to the single point that the dangers to which the navigation of the Mississippi is exposed are, from their character, such as can not be guarded against by light-houses, buoys, beacons, and public piers, except to a very limited extent. They consist of obstructions in its channel, and can only be well guarded against by removing them. The question, then, is, whether the power to regulate commerce among the states, which authorizes the establishment of light-houses, buoys, beacons, and public piers, on the coast of the Atlantic and the lakes, with their gulfs and bays, does not also authorize the removal of snags, logs, and other obstructions, which endanger or impede the navigation of the Mississippi?

\* "Ninth section, first article, Constitution."

“Your committee, after full and impartial consideration, can see no reason which would authorize the one that would not the other. The dangers to be guarded against are not only as great in reference to the navigation of the Mississippi, as has been shown, but the reason why the government should have charge of its improvement is not less strong. If light-houses, buoys, beacons, and public piers would be neglected, if not placed under its charge, because neither individuals nor states would have adequate inducement or power to establish them, so likewise the removal of snags and other obstructions, which endanger or impede its navigation, would be neglected, and for the same reason, if not put also under its charge. The only difference, indeed, between them, is, that in the one case the money is appropriated to make visible, or designate, the cause of danger, by establishing light-houses, beacons, or buoys, while in the other it is appropriated to remove them. But it would seem impossible to doubt that the right to make them visible, or to designate their place, in order that they may be avoided, involves that of removing them where practicable; and that the right of removing them involves that of pointing them out, to be avoided. Whether the one or the other should be adopted in either case, is not a question of right, but one of expediency, depending on their respective practicability, cheapness, and efficiency. Reverse the cases, and who can doubt, if the dangers against which light-houses, buoys, and beacons were intended to warn were of a nature that they could be removed as cheaply, or more so, than they could be pointed out, but that the same power which would authorize the former would also authorize the latter, or that the power to remove the cause of danger would not authorize the warning against it, if it could not be removed?

“Having now shown that the power to regulate commerce among the states is as applicable to the commerce of the Mississippi as it is to that of the Atlantic coast, and that the removal of the obstructions which endanger or impede its navigation is as fully embraced by it as the establishment of light-houses, buoys, beacons, and public piers, your committee will next proceed to consider how far that power, as applied to the improvement of its navigation, extends.

“They are of the opinion it extends to the removing of all

obstructions within its channel, the removal of which would add to the safety and facility of its navigation, including such as might endanger or impede it by sliding in or projecting from its bank, or islands, over the channel. It includes (to be more specific) the removal of snags, logs, rocks, shoals, sand-banks, bars, including the one at its mouth, and trees projecting over or liable to slide into its channel, where the removal would improve or secure its navigation. These are all either within the channel of the river, or hang over it, or in danger of sliding into it, so as to obstruct it as the common highway of the commerce of the states on its borders, and, as it may truly be added now, through the power of steam, of the states having intercourse by continuous navigation with them, on the Gulf and even Atlantic coast.

“They are also of the opinion that it extends to the removal of like obstructions in its great navigable tributaries, including such as have three or more states bordering on their navigable waters, but not to those whose navigable waters are embraced within one, or, farthest, two states. Why the former is embraced and the latter not, they will next proceed to consider, beginning with the case of rivers whose navigable waters are confined to a single state.

“They are not embraced, because, in the first place, the power, as has been shown, is restricted to the regulation of the external commerce of the states with each other, to the exclusion of their internal; and, in the next, because the commerce of such rivers is under the exclusive control of the states within whose limits their navigable waters are confined, except that no vessel from another state, coming or going, can be compelled to enter, clear, or pay duties, under the provisions of the Constitution already quoted; and except, also, that vessels from other states shall not be subject to any regulation or law in navigating them, to which the vessels of the state to which they belong are not, under the provisions of the same instrument, which secures to the citizens of each state, in all others, ‘all the privileges and immunities to which their own citizens are entitled.\*’ With these exceptions, the navigation of all such rivers, as far as commerce is concerned, is as much under the control of the state within which its navigable waters are con-

\* “Second section, fourth article, Constitution.”

fined, as its canals, rail-roads, or turnpikes. Indeed, these are subject to the latter exception, and not to the former, only because not applicable.

“The case of a river whose navigable waters are confined to two states, whether by dividing or flowing through them, requires more particular and full explanation. The provision of the Constitution already cited, which exempts vessels bound to or from one state from entering, clearing, or paying duties in another, would make all such streams, in effect, common highways of all the states, and bring them exclusively under the control of the federal government, as far as the power to regulate commerce among the states is concerned; as much so, indeed, as the Mississippi itself, were it not for another provision in the same instrument. They allude to that which provides that ‘no state shall, without the consent of Congress, enter into any agreement or compact with another state,’\* and which, of course, permits (with such consent) *one* state to enter into compact or agreement with *another*.

“To understand the intention of the framers of the Constitution for inserting this provision, and its bearing on the point under consideration, it is necessary to view it in connection with another provision of the instrument already cited. They refer to that which prohibits the states from entering into any treaty, alliance, or confederation, in any case whatever, plainly because it would be both dangerous and inconsistent with their federal relations to permit it. In order to prevent so important a provision from being eluded, the provision immediately under consideration was inserted, prohibiting the states from entering into agreements or compacts in any case whatever, except one state with another state, or with a foreign power; and to prevent the abuse even of that limited power, the consent of Congress is required. Such is the prohibition, and the reason for it. The reason for the exception is, that without it the prohibition would substitute the federal authority for that of the states, for the adjustment and regulation of all the various subjects in which the several states may have a mutual interest in adjusting and regulating, including such as the one under consideration, and thereby would give greater extension and minuteness to the authority of the federal government than was

\* “Sixteenth section, first article, Constitution.”



desirable or consistent with the objects for which it was instituted. Under the exception it is left to the states, when only two are interested in the navigation of a river, or any other object, to take it under their own exclusive jurisdiction and control by an agreement or compact between them, with the consent of Congress, as much so as it would be under that of one, if it was confined exclusively to one instead of extending to two.

“The case is different where three or more states may be directly interested in the navigation of a river. Such cases are withdrawn from the control of the states, and are embraced by the power of Congress to regulate commerce among the states, for reasons too obvious to repeat, after what has been stated. It is only necessary to add, in this connection, that the reasons are as applicable to the rivers falling into the ocean and the lakes, including their gulfs and bays, as to those falling into the Mississippi and its tributaries.

“Your committee will next proceed to consider whether harbors or canals around falls or other obstructions in the Mississippi, including its great tributaries (meaning thereby those in whose navigation three or more states are interested), are embraced in the power, taking them in the order they stand.

“They are of the opinion that harbors, except for shelter or naval stations, are not. Their reason for thinking so is, in the first place, because, as far as they have been able to ascertain, the states, in the exercise of the power of regulating commerce, never extended it to the improvement or construction of harbors for commerce, neither subsequent to nor before the Revolution, while colonies. They have not been able to find a single instance of the exercise of the power on their part which would warrant the conclusion that such harbors were included in the power, and, they may add, as pertinent to the subject, very few cases in the legislation of the country from which we draw our origin and language that countenances an extension of the power so far as to embrace them; and, in the next, that the early acts of Congress afford no evidence that it regarded harbors of commerce to be embraced in it. The first appropriation they have been able to find, even for harbors for shelter, was made in 1822, more than thirty years after the commencement of the government, and that, at first, only authorized the construction of two public piers, of sufficient dimensions



to be a shelter to vessels from ice.' They refer to the break-water near the mouth of the Delaware. The next appropriation was in 1823, to survey the entrance of the harbor of Presque Isle, on Lake Erie, with the view of removing obstructions at its mouth. It was not until 1827 that appropriations were made professedly for the improvement of harbors, and not till 1828 when a regular and expensive system was commenced of constructing and improving them as a part of the system of internal improvement.

"But, as strong as these reasons are, there is another still more so, drawn from the nature of the power and the early practice of the government. The power, as has been stated, is restricted exclusively to the regulation of the external commerce of the states with each other, as separate and distinct communities, and can not, as such, act within the limits of the states beyond what is indispensable to its execution. But so careful were the framers of the Constitution to guard against the abuse of power, that they have not left it to inference to determine to what extent it is indispensable for that purpose. They have, by a provision of the instrument, fixed the precise limits. Your committee refer to that already cited, which exempts vessels bound to or from one state from being obliged to enter, clear, or pay duties in another, and thereby securing to that extent, and no further, a free ingress and egress of the vessels of all the states within and from the limits of each other. But, with that exception, the harbors of a state are as completely under the control of the state, and as subject to its laws and legislation, as any other portion of its territory, and the vessels of other states are as subject to them as those belonging to their own citizens. Strictly speaking, then, the power to regulate commerce among the states is a power wholly *inter alios* ; so much so, indeed, as to require this additional, or, as it may be fairly called, supplemental power, to secure to the vessels of other states the right to enter, to clear, and be exempt from duty, both in their ingress and egress. The conclusion would seem to follow, irresistibly, that a power so strictly *inter alios* can not be extended so as to embrace the improvement or construction of commercial harbors. The case of harbors for shelter is different. They relate directly to the safety of commerce, in its transit from state to state, and are in character and object

the same as public piers, and come, as such, fairly under the power to regulate commerce. The case is also different in reference to naval stations or harbors. They come under another power—that ‘to provide and maintain a navy.’

“But if additional evidence should be required to show that commercial harbors are not embraced by the power, another provision of the Constitution, and the practice of the government under it, will furnish conclusive proof. Your committee refer to that which provides that ‘no state shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No state shall, without the consent of Congress, lay any duty on tonnage.’ We find in this provision a material difference between the power reserved to the states to lay, with the consent of Congress, duties on imports and exports, on the one hand, and on tonnage on the other. In the former it is expressly provided that the proceeds shall pass into the treasury of the United States, while in the other it is left without any such provision, at the disposal of the state imposing them. There must be a reason for the distinction; and it would be difficult to assign any other than that it was intended to reserve to the states the power to collect duties on tonnage, with the consent of Congress, in order to leave at their disposal the money collected, to enable them to raise funds for some improvement intimately connected with the convenience of vessels in port, or to designate any one more so than the improvement of the harbor or port itself. We find, accordingly, that the power, as far as it has ever been used by the states, has been exercised exclusively to raise funds for that purpose, and that the consent of Congress has been freely given to acts of state Legislatures for such purpose. As early as 1800 the consent of Congress was given to an act of the General Assembly of Maryland, which authorized the wardens of the port of Baltimore to collect a duty on any vessel arriving at the same, of sixty tons or more, of a sum not exceeding two cents, for the purpose of improving the harbor and port; and also to so much of an act of the State of

Georgia, passed in 1787, entitled ‘An Act for Regulating the Trade, and laying Duties on all Goods, Wares, and Merchandise, and Negroes imported into the State, and also an Impost on Tonnage of Shipping, and other Purposes therein mentioned,’ as authorizes a duty of threepence per ton on all shipping entering the port of Savannah, to be set apart as a fund for clearing the River Savannah. The act giving consent was to continue in force for eight years. It has been renewed several times as to the acts of both of the states, and that of Maryland is now in force by a renewal so late as 1843. These acts, both of the state Legislatures and Congress, afford conclusive proof that the intention which they have assigned to the framers of the Constitution for reserving the power to be exercised by the states with the consent of Congress is the one which governed them.

“Having now shown, as they trust, conclusively, that the power excludes the construction or improvement of harbors of commerce, in contradistinction to harbors for shelter and the navy, it will not be difficult to show that it also excludes the cutting of canals or the construction of roads around shoals, falls, or other impediments to the navigation of the river or its tributaries, as the reasons applicable to the one are mostly equally so to the other. Thus, if there be nothing in the practice of the governments of the states, at or before the adoption of the Constitution, or in the early practice of the federal government, to justify it in the one case, so there is nothing in the other. So, likewise, the reasons deduced from the nature of the power, that it is strictly *inter alios*, so much so as to require a supplemental power exempting vessels, on going in or out of a state, from entering, clearing, and paying duties, are equally applicable to both. Indeed, it applies, if possible, more strongly, as they are more strictly *inter alios* in reference to such works than to harbors; and it may be added, as an additional reason, that individual inducement and power are alike adequate to both. It is proper to add, also, that all they have stated in this connection are applicable to harbors and works of the kind wherever found, whether on the Atlantic, the Gulf, the lakes, or rivers falling into them.

“Having now shown what objects are embraced by the power, and what not, in reference to the Mississippi and its tribu-

taries, your committee will dismiss this portion of their labor with a brief consideration of a few restrictions of a more general character to which the power is subject.

It has been stated that commerce, in legal and constitutional language, includes transit or navigation as well as trade. It may well be questioned whether it was not intended by the Constitution, as far as it relates to commerce among the states, to restrict it entirely to the letter—that is, transit by vessels on water. Certain it is, that the provisions connected with, and having reference to it, would indicate that it was so intended; and it may be added, that the legislation of Congress, in carrying the power into effect, as far as your committee is informed, is confined to the regulation of transit by water, to the exclusion of that by land. They, of course, exclude acts passed for the enforcement of the collection of duties and embargoes, and other restrictive measures of the kind, which relate to the revenue power, and questions connected with the foreign relations of the country. Indeed, it is difficult to imagine how the power to regulate commerce among the states, restricted as it is to their external trade with each other, as separate and distinct communities, can be exercised, except where there is a common highway between them not subject to the exclusive control of any one, as is the case of the coast, of the lakes, and of the Mississippi. Where that is not the case, and a mere line divides states, the trade between them, in every period of its transit from one to the other, is under the exclusive control of one or the other, in whichever it may be for the time. Indeed, the clause of the Constitution already referred to, which provides that ‘the citizens of each state shall be entitled to all the privileges and immunities of the citizens in the several states,’ would seem to supersede the necessity of extending the power to the inland trade among the states, as it secures to the citizens of all the states all the immunities and privileges of the citizens of whatever state he may be in.

“There are other restrictions of a still more general character deserving of notice, deducible from the nature of the power. As a power to regulate the external commerce of the states with each other, it is restricted from interfering with their internal concerns beyond the limits already stated, and, of course, is excluded from interfering with laws and regulations touch-



ing the health of their citizens, the peace and security of the states, and their police and institutions generally. Nor can any right be deduced from the power, regarded in the same light, to authorize the federal government to construct roads and canals, or any work of internal improvement in a state.

“ There is one more restriction to which it is subject, in common with all the powers delegated to the government. It is held, like all its other powers, not absolutely, but as a trust, and, as such, it is limited in its exercise strictly to the nature and object of the trust. Thus regarded, it is restricted, not only to the regulation of commerce and commerce among the states, but to regulate it so as to preserve harmony, as far as practicable, among them, and to promote the prosperity of their mutual commerce with each, as far as the nature and extent of the power may admit, these being the great objects for which it was delegated.

“ Your committee have now shown what power it is that authorizes the federal government to appropriate money to improve the navigation of the Mississippi, including its great tributaries, the objects it embraces, and the restrictions to which it is subjected. It remains to consider what annual appropriations and expenditures would probably be required to remove all obstructions, susceptible of being removed, which endanger and impede its navigation, and what preparatory step should be taken to insure a proper and efficient application of the money which may be appropriated.

“ They are aware that the great objection, practically, to the execution of the power, originates in the impression that vast sums have already been appropriated and expended in the improvement of its navigation, and that their amount would be greatly increased if it should be admitted that the federal government possesses the power. What they propose is to show that this is a very erroneous impression as to the amount of past appropriations and expenditures, and as to the probable amount that would be required, should the power to make them be admitted to be constitutional.

“ So far from being vast or extravagant, they have been moderate, whether regard be had to the great extent of the navigation of the river, including its tributaries, or the magnitude of its commerce, compared with that of the Atlantic or



the lakes. The aggregate amount of appropriations of every description for the improvement of the navigation of the Mississippi and its waters, from its commencement in 1824 until the present year, is \$2,528,800. For the same period, the amount for the coast of the Atlantic and the Gulf, including appropriations for harbors, is \$12,901,123,\* of which \$8,485,946 have been for the establishment of light-houses, buoys, beacons, and piers, and the residue for harbors. The appropriations for the improvement of the navigation of the lakes, for the same period, amounted to \$3,119,757, of which \$2,861,964 39 was for harbors, and the residue for the establishment of light-houses, buoys, beacons, and piers. It thus appears that the appropriations for improvements on the coast, including the Atlantic and Gulf, have been, in the last twenty-four years, nearly five times greater than those for the Mississippi and its waters, notwithstanding the previous large appropriations for the former during the long antecedent period extending back to the commencement of the government. Compared with the respective amount of the value of their commerce and tonnage, and the length of their line of navigation, it may be safely asserted, without going into any minute or exact calculation, that the appropriations during the same period for the coast are many times greater than for the Mississippi and its waters. Compared with the lakes, the disproportion, although great, is not equally so as that with the coast. Taking their tonnage as the standard of comparison, and estimating their respective amounts by the last official returns, the appropriations for the lakes, including the upper and lower, are more than double those for the Mississippi and its waters.

“ If harbors be excluded as not properly belonging to the power to regulate commerce, but to internal improvement, even then the average amount of the appropriations for the coast will be more than three times that for the Mississippi, the former being, on an average for the period, \$358,742 annually, and the latter only \$109,947.

“ Turning from the past to the future, and assuming that the appropriations hereafter shall be strictly confined to objects fairly embraced by the power in reference to both, your com-

\* “ Appropriations for rivers falling into the Atlantic and lakes not included: they would add a large amount.”

mittee feel assured that the sum annually required for the coast will be amply sufficient for the Mississippi, including its great tributaries, and much more than sufficient after the obstructions which now endanger and impede its navigation are effectually removed, as they may be in a few years, if a sum equal to that for light-houses should be annually appropriated and properly applied. Nor will the power be more liable to abuse in practice in reference to the Mississippi than to the coast, as seems to be apprehended by many. No good reason can be assigned why it should be, while very good ones may be why it should not. The removal of the obstructions to the navigation of the Mississippi must, from the machinery necessary for the purpose and the character of the work, be under a general superintendence and control; and, on that account, far less liable to be influenced by the interests of individuals, and exposed to the frauds incident to jobs and contracts, than that of building light-houses, including the purchase of lands, keeping them in repair, and furnishing supplies to keep up their lights. They can not doubt that to this difference it is to be attributed, in a great degree, that the appropriations for the improvement of the Mississippi have been so moderate, and have had so little tendency to increase, when compared to that of the coast and lakes. The avidity, zeal, and pertinacity of private interests, and the hope of profitable jobs, incident to the latter, are far more potent in forcing through appropriations, than the far greater but more general and diffused interests to be benefited by the former.

“Nor will it be more liable to abuse by being improperly extended to the improvement of its smaller tributaries, which, as has been shown, are not embraced in it, than it will be by extending it to like streams falling into the Atlantic or the lakes. The principle which prevents the power from embracing the one, equally prevents it from embracing the other, and is equally as clear and well defined in the one as in the other. If the objection be good in the one case, it is in the other; and if the liability to abuse be a good reason for abandoning the improvement of the navigation of the Mississippi, it is at least as good for abandoning that of the coast and the lakes.

“But there is not the least probability that Congress will ever abandon the exercise of the power. It has not only the

right, as has been shown, but it is its duty to exercise it; a duty, under the Constitution, to the states immediately interested, and which are, by one of its provisions, prohibited from adopting the only means by which they could themselves regulate their commerce with each other. Indeed, the states directly interested in its exercise are too numerous and strong to permit the power to be abandoned or lie dormant, and all attempts to prevent its due exercise on the part of those who may dread its abuse, or who may be averse to its exercise from other causes, would have no other effect but to compel the more moderate and scrupulous of those directly interested in its due exercise to unite with the less moderate and scrupulous in their own and other portions of the Union, and thereby place the power under the exclusive control of those who would exercise it without regard to abuses, or the restrictions imposed by the Constitution. On the contrary, by admitting the power, and supporting its due exercise, and directing their efforts to confining it within its proper constitutional limits, the united efforts of the moderate of every portion of the Union might succeed in preventing abuses, and carrying, at the same time, into full effect the intention of the framers of the Constitution in delegating the power. But, if such efforts should fail to prevent extravagant and unwarranted appropriations and expenditures, there remains a certain corrective to both—perhaps the only certain one—against the abuses incident to appropriations and expenditures of a general fund on local objects, which, by united efforts, they might succeed in applying. It is that of raising the sum to be expended from the interest to be benefited by the expenditure: that is, in this case, by a moderate duty on light and tonnage, on vessels engaged in navigating the coast, the lakes, and the Mississippi, and other rivers embraced by the power: and by applying the sum so raised from each to the improvement of its navigation. The same mode of raising and applying the requisite sum, in reference to smaller streams, might be adopted by the states interested, at least as far as tonnage duties are concerned, with the consent of Congress. It is the equitable and fair mode which was practiced by the states before the adoption of the Constitution, and which is practiced by the government of the country from which we derive our origin and language, as has been stated.

It was also the mode practiced in its early stages by the federal government, with, however, this radical defect, that the sums raised, instead of being kept as a separate fund to be applied to its specific and appropriate objects, were blended with the general funds of the treasury. The duty imposed would, of course, constitute a general charge on the commerce on which it would fall; but when the vast amount of that of the coast, the Mississippi, and the lakes is taken into the estimate, and the strict economy to which the mode of raising and applying the fund would lead in the expenditures, there can be no doubt the charge would be far more than compensated by the reduction of the rates of insurance.

“Such are the conclusions to which your committee have been brought in reference to the portion of the memorial which relates to the improvement of the navigation of the Mississippi and its great tributaries. It remains, before concluding, to consider what preparatory measures should be adopted in order to insure a systematic, judicious, and efficient expenditure of the money which may be appropriated to carry the power into effect, should Congress concur in their views in relation to it.

“They are of the opinion it is indispensable, for that purpose, to constitute a board of able and experienced engineers, whose duty it should be to make, under the direction of the Secretary of War, a careful examination and survey of the Mississippi, including its great tributaries; to report their opinion in detail as to the present condition of its navigation; the character of the obstructions which endanger or impede its navigation; to what extent they can be removed; what would be the effect of their removal in diminishing the hazard to which it is exposed, and increasing its expedition; what means ought to be adopted for their removal; what sum would it be advisable to appropriate annually for the purpose of removing them; what sum would probably be required annually to keep its navigation in a safe and good condition when once removed; and, finally, what means ought to be adopted to insure an efficient and economical expenditure of the money which may be appropriated. Your committee are further of the opinion that it would be advisable that the board should consist of three engineers, one military and two civil; and that, in the mean time,

until they can report, a moderate sum should be appropriated to remove the more dangerous obstructions.

“Having now finished the portion of their report which relates to the improvement of the navigation of the Mississippi, including its great tributaries, your committee will next proceed to the consideration of that portion of the memorial which relates to the reclaiming, by embankments, the public lands, which, in consequence of being subject to its inundations, are not fit for cultivation.

“The subject is one of no small importance. The Mississippi, like most of the other great rivers, has formed by its deposits, in the long course of years, a tract of great extent and fertility in its approach to the ocean, and which is subject to inundations by its floods. There is no data by which the extent of this tract can be ascertained with any accuracy, but it is estimated, from the best attainable data by the proper department, to contain about 33,075,000 acres, or 51,670 square miles, lying in the states of Louisiana, Mississippi, Arkansas, Missouri, and Illinois.

“It is believed by far the greater part may be reclaimed by a proper system of embankment. It is more difficult to estimate with any precision what portion of it is still public land. They have not been able to obtain any document that may be relied on as approaching accuracy in that respect, except in reference to the portion of the tract lying in the State of Louisiana. It appears by a report of the surveyor-general of that state, made in October, 1845, that there is, of overflowed and swamp land in that state, 8,505,505 acres, of which there are subject to private claims, 798,763 acres; granted for schools and other purposes, 378,743; sold prior to the 30th of September of that year, 1,635,458; and unsold, or public lands, 5,692,836, making nearly three quarters of the whole. Assuming the same proportion to remain unsold in the other states, the aggregate amount still belonging to the public would be 24,850,000 acres.

“As fertile as this great body of land is, by far the greater part is at present of little or no value, in consequence of its swampy character and being subject to inundation, and must remain so, alike unprofitable to the public and individuals, so long as they may remain in their present condition. But they



must remain so until reclaimed by embankments. To meet the expense of making them, the Convention recommends the grant of lands, or appropriation of money by Congress.

“Your committee are of the opinion that something ought to be done toward bringing this great body of fertile land into cultivation. While it remains in its present state, with one, and that the larger portion, held by the Union, another (that granted for schools and other purposes) by the states, and a third by individuals, and these several portions not held in parcels or bodies, separate and distinct from each other, but inter-mixed one with the other, nothing can well be done toward reclaiming them. It would require the co-operation of the parties interested, each in proportion to the extent of his interest, to accomplish the object. To obtain such co-operation, and fix satisfactorily the amount that each should contribute toward making the necessary embankments, would obviously be a work of too much difficulty and complication to be undertaken. The only remedy is to diminish the number of the parties interested; and for that purpose, your committee are of the opinion that Congress ought to adopt measures to dispose of its portion of these lands with as little delay as a just regard to the public interests will permit; and, to effect that, they are of the opinion the most advisable course would be to reduce the price of the portion belonging to the public gradually, say at the rate of one fifth at intervals of four years, until it shall be reduced to the rate of 25 cents an acre, and to cede to the states in which they may respectively lie all not sold at the expiration of four years thereafter.

“Your committee will next proceed to consider that portion of the memorial which relates to the communication by railroads between the Valley of the Mississippi and the Southern Atlantic states. They regard works of the kind as belonging to internal improvements (that is, improvements within the body of the states), and, as such, are, in their opinion, not embraced in the power to regulate commerce. But they are, nevertheless, of the opinion, that where such roads, or other works of internal improvements, may pass through public lands, the United States may contribute to their construction in their character of proprietors, to the extent that they may be enhanced in price thereby. This has usually been done by ceding

alternate sections on the projected line of such works; and it is believed that no mode of contributing, more fair or better calculated to guard against abuses, can be devised. That Congress has a right to make such contributions, where there is reasonable ground to believe that the public lands will be enhanced in proportion, under its right to dispose of the 'territory and other public property of the United States,' your committee can not doubt. In making this assertion they hold to the rule of strict construction, and that this power, like all the other powers of the government, is a trust power, and, as such, is strictly limited by the nature and object of the trust. In this case the rule requires that the lands, and other public property of the United States, should be disposed of to the best advantage: and where that can be done by contributing a portion to works which would make the residue equally or more valuable than the whole would be without it, as is supposed, they hold it would be strictly within the rule. Your committee go further: they are of the opinion not only that Congress has the right to contribute to the extent stated in such cases, but that it is in duty bound to do so, as the representative of a part of the proprietors of the land to be benefited. It would be neither just nor fair for it to stand by and realize the advantage they would derive from the work, without contributing a due proportion toward its construction. It would be still less justifiable to refuse to contribute, if its effects should be to defeat a work, the construction of which, while it would enhance the value of the land belonging to the public, and that of individual proprietors, would promote the prosperity of the country generally.

• But however clear the power, or however liberally it may be exercised, it can do but little toward the construction of the projected rail-roads between the Valley of the Mississippi and the Southern Atlantic ports. They will pass through comparatively but a small portion of the public lands, and that a remnant which has been long in market, and has remained unsold, because of a very inferior quality. But it does not follow that the federal government can not render efficient aid toward their construction, because it can do little by direct contribution. It can, notwithstanding, do much—if not in that way, in another not less effectual—by the removal of the heavy burden imposed

on their construction by its own acts: they refer to the duty on iron.

"It is well known that the cost of iron is one of the heaviest items every where in the expense of constructing rail-roads. In constructing those projected between the Southern Atlantic states and the Valley of the Mississippi, which, for the most part, will pass through a level country, abounding in good timber, and requiring but little grading or expenditure to acquire the right of way, it is by far the heaviest of all the items. The duty on iron of a description calculated to form a substantial and durable road (T iron) is itself a charge of upward of \$2000 the mile, a sum equal to about one sixth of what would probably be the average aggregate cost per mile of constructing those roads.

"It is this heavy burden which retards the completion of a system of rail-roads, which, when completed, will do so much not only for the mutual prosperity and defense of the states immediately interested, but for that of the whole Union. Thus regarding it, your committee are of opinion that, on every principle of expediency and fairness, not to say justice, this burden ought to be either wholly removed, or at least reduced to the rate which a strict regard to revenue principles would demand. They believe that neither would materially affect the prosperity of that branch of our manufactures. The increased impulse which it would give to the construction of rail-roads over the whole Union, and the impulse which their construction would, in turn, give to the general prosperity, by cheapening the cost of transportation, and enlarging the sphere of demand, would, in their opinion, in a great measure, if not altogether, compensate the loss which might result to the manufacturers of iron by a greatly increased demand for other descriptions of iron. But, whether such would be the case or not, certain it is that all other interests, agricultural, commercial, and even manufacturing, would be very greatly benefited by the increased rapidity and cheapness of transportation. If to this be added the still more important considerations—the great and happy influence it would have in a political and social point of view, and the increased safety of the country from the vastly increased means of defense which a widely-extended system of rail-road would furnish—it would seem almost impossible to doubt the

expediency of wholly removing or greatly reducing this heavy burden on their construction. They accordingly recommend that the present duty be either wholly repealed, or reduced to the rate which a strict and exclusive regard to revenue would require.

“In reference to that portion of the memorial which relates to the connection of the Mississippi and the lakes by a canal, which would admit ships of the largest class, navigating either, to pass from one to the other, your committee fully concur in all which it states in reference to its importance; but they are of the opinion that Congress has no power under the Constitution to construct such a work. It stands, in that respect, on the same ground with rail-roads and other works of internal improvements: and, like them, it may be aided directly by Congress, should it pass through the public domain, by the grant of alternate sections, but no further.

“Your committee also fully concur in all that is stated by the memorial in reference to the importance of keeping open the communication by sea between the Gulf of Mexico and the Atlantic coast, and the means it recommends for that purpose, both military and naval. It is the great thoroughfare of the Union, and can not be closed, even for a short time, without convulsing its commerce and business operations in every department, and throughout the whole Union. Nothing, in their opinion, short of a strong naval force, sustained by a permanent naval station of the first class at Pensacola, or some other port in the Gulf, and suitable fortifications to defend and secure the pass between Florida on the one side, and Cuba and the Bahama Islands on the other, can keep it open at all times, in war as well as peace, free from dangers; and they accordingly recommend to the early attention of Congress the establishment of such a station, with all suitable means for building and repairing vessels of war, with an adequate portion of the navy permanently stationed there, and the speedy completion of the fortifications already commenced to defend and secure the pass.”

We shall conclude our notice of these two Conventions by appending the opinions of a few distinguished men, to whose judgment in such matters the country is accustomed to look.

## OPINIONS OF DANIEL WEBSTER,

as expressed in a letter to the Chicago Convention, dated

“MARSHFIELD, *June 26th, 1847.*

“GENTLEMEN,—I had the honor to receive, some weeks ago, an invitation signed by you, as a Committee of Correspondence, to attend a ‘Northwestern Harbor and River Convention,’ to be assembled at Chicago on the first Monday in July, without regard to distinctions of party. If circumstances had allowed me to fulfill my purpose of being in the Western country at this season of the year, I should have complied with that invitation. But events occurred to defeat that purpose.

“Understanding that I should not be able to be present, several gentlemen, elected to the Convention, have expressed a wish that I should, nevertheless, communicate my sentiments upon the important objects which have called them together. A willingness to comply with that wish, as well as a desire to treat with just respect the invitation received from you, induces me to address to you this letter.

“The improvement of Northwestern rivers and harbors has become an interesting subject, not only from the augmented business and population of that part of the country, but also from recent legislative and political occurrences. I do not understand, however, that the Northwestern harbor and river improvements are to be the exclusive objects, of that description, which shall engage the attention of the Convention. I take it for granted that those who propose the Convention regard such improvements, all over the Union, as standing on the same ground of constitutional authority, and the same principles of public policy. Although the necessity of making and improving harbors, and for the clearing out of rivers, may be felt to be most pressing at the present moment on the Northwestern frontiers, and the greatest disappointment felt in that quarter at the recent and repeated failures of measures adopted by both houses of Congress to provide for such necessity, yet it hardly needs be remarked that the West and the Southwest, and the South, the North, and the East, are all deeply interested in the fate of such measures. The question is general, not local. It affects every part of the country and every state in the Union. Any proceedings, therefore, of conventions, or other public bod-



ies, called to deliberate on such subjects, and to express opinions either on points of constitutional law or public policy, must, to meet my concurrence, be as broad and comprehensive as the questions themselves. They must be such as are fit to be adopted by the government for the good of the whole country and the equal advancement of the interests of all its parts; and I have entire confidence that no more limited or restricted construction of constitutional power, and no narrower or more local view of public policy, will receive the sanction of the Convention now about to assemble.

“Gentlemen, it is an easy task to communicate to the Convention my opinions upon the subjects which are to engage its attention. I have only to refer to my public conduct, to the measures which I have supported, and to my public speeches in and out of Congress for the last twenty years. Full extracts from these speeches I shall now proceed to transcribe. Although this may not be the most interesting or attractive mode of presenting my opinions to the Convention, it will, at least, be attended with one advantage: it will show that my opinions, whatever they are, are not of recent adoption. They have not been recently espoused by me in consequence of any new degree of favor or popularity attaching to the cause of internal improvement. On the contrary, they have been steadily maintained for a long course of years, not only against able and ingenious argument on the opposite side, but also against the most powerful party influences, and the most vehement denunciations of their alleged tendencies toward consolidation.

“Nineteen years ago, that is to say, in June, 1828, it pleased the citizens of Boston to give me a public dinner. On that occasion I made a speech containing the extracts which I now transcribe from a printed volume.

“Another subject, now becoming exceedingly interesting, was in various forms presented to Congress at the last session, and in regard to which, I believe, there is substantially a general union of opinion among the members from this Commonwealth. I mean what is commonly called internal improvement. The great and growing importance of this subject may, I hope, justify a few remarks relative to it on the present occasion.

“It was evident to all persons of much observation at the close of the late war, that the condition and prospects of the

United States had become essentially changed in regard to sundry great interests of the country. Almost from the commencement of the government down near to the beginning of that war, the United States had occupied a position of singular and extraordinary advantage. They had been at peace, while the powers of Europe had been at war. The harvest of neutrality had been to them rich and ample, and they had reaped it with skill and diligence. Their agriculture and commerce had both felt sensibly the benefit arising from the existing state of the world. Bread was raised by our farmers for those whose hands were otherwise employed than in the cultivation of the field, and the seas were navigated by our sailors for account of such as, being belligerents, could not safely navigate them for themselves. These opportunities for useful employment were all seized and enjoyed by the enterprise of the country, and a high degree of prosperity was the natural result.

“But with general peace a new state of things arose. The European states at once turned their own attention to the pursuits proper for their new situation, and sought to extend their own agricultural, manufacturing, and commercial interests. It was evident that thenceforward, instead of enjoying the advantages peculiar to neutrality in times of war, a general competition would spring up, and nothing was to be expected without a struggle. Other nations would now raise their own bread, and, as far as possible, transport their own commodities, and the export trade and the carrying trade of this country were therefore certain to receive new and powerful competition, if not sudden and violent checks. It seemed reasonable, therefore, in this state of things, to turn our thoughts inward to explore the hitherto unexplored resources of our own country, to find out, if we could, new diversifications of industry, new subjects for the application of labor at home. It was fit to consider how far home productions could properly be made to furnish activity to home supply; and, since the country stretched over so many parallels of latitude and longitude, abounding, of course, in the natural productions proper to each, it was of the highest importance to inquire what means existed of establishing free and cheap intercourse between those parts, thereby bringing the raw material abounding in one under the action of the productive labor which was found in an-

other. Roads and canals, therefore, were seen to be of the first consequence. And then the interesting question arose how far it was constitutionally lawful, and how far expedient, for the general government to give aid and succor to the business of making roads and canals, in conjunction with individual enterprise or state undertakings. I am among those who have held the opinion that if any object of that kind be of general or national importance, it is within the scope of the powers of the government, though I admit it to be a power which should be exercised with very great care and discretion. Congress has power to *regulate* commerce, both internal and external, and whatever might have been thought to be the literal interpretation of these terms, we know the construction to have been, from the very first assembling of Congress, and by the very men who framed the Constitution, that the regulation of commerce comprehended such measures as were necessary for its support, its improvement, its advancement, and justified such expenditures as piers, beacons, and light-houses, and the clearing out of harbors required. Instances of this sort, in the application of the general revenue, have been frequent, from the commencement of the government. As the same power, precisely, exists in relation to internal as well as external trade, it was not easy to see why like expenditures might not be justified when made on internal objects.

“The vast regions of the West are penetrated by rivers, to which those of Europe are but as rills and brooks. But the navigation of these noble streams, washing, as they do, the margin of one third of the states of the Union, was obstructed by obstacles capable of being removed, and yet not likely to be removed but by the power of the general government. Was this a justifiable object of expenditure from the national treasury? Without hesitation I have thought it was. A vast chain of lakes, if it be not more proper to call them a succession of inland seas, stretches into the deep interior of this northern part of the continent, as if kindly placed there by Providence to break the continuity of the land, and afford the easier and readier intercourse of water conveyance. But these vast lakes required also harbors, and lights, and breakwaters. And were these lawful objects of national legislation? To me, certainly, they have appeared to be such, as clearly as if they were on the Atlantic border.

“In most of the new states of the West, the United States are yet proprietors of vast bodies of land. Through some of these states, and sometimes through these same public lands, the local authorities have prepared to carry expensive canals, for the general benefit of the country. Some of these undertakings have been attended with great expense, and have subjected the states, where enterprising spirit has begun and carried them on, to large debts and heavy taxation. The lands of the United States, being exempted from all taxation, of course bear no part of this burden. Looking to the United States, therefore, as a great landed proprietor, essentially benefited by these improvements, I have felt no difficulty in voting for the appropriation of parts of these lands, as a reasonable contribution by the United States to these general objects.

“Most of the subjects to which I have referred are much less local in their influence and importance than they might be. The breakwater in the Delaware, useful to Philadelphia, is useful also to all the ship-owners in the United States, and, indeed, to all interested in commerce, especially in that great branch, the coastwise commerce. If the mouths of the Southern rivers be deepened and improved, the neighboring cities are benefited, but so, also, are the ships which visit them; and if the Mississippi and Ohio be rendered more safe for navigation, the great markets of consumption along their shores are the more readily and cheaply approached by the products of the factories and the fisheries of New England.

“It is my opinion, Mr. President, that the present government can not be maintained but by administering it on principles as wide and broad as the country over which it extends. I mean, of course, no extension of the powers which it confers, but I speak of the spirit with which those powers should be exercised. If there be any doubts whether so many republics, covering so great a portion of the globe, can be long held together under this Constitution, there is no doubt, in my judgment, of the impossibility of so holding them together by any narrow, contracted, local, or selfish system of legislation.

“To render the Constitution perpetual (which God grant it may be), it is necessary that its benefits should be practically felt by all parts of the country and all interests in the country. The East and the West, the North and the South, must



all see their own welfare protected and advanced by it. While the Eastern frontier is protected by fortifications, its harbors improved, and its commerce defended by a naval force, it is right and just that the region beyond the Alleghany should receive fair consideration and equal attention in any objects of public improvement interesting to itself, and within the proper power of the government. These, sir, are, in brief, the general views by which I have been governed on questions of this kind, and I trust they are such as this meeting does not disapprove.'

"Gentlemen, five years after the expression of these opinions, that is to say, in July, 1833, I had occasion to repeat them in substance in an address to the citizens of Pittsburgh. Extracts from that address, taken from a printed volume, I take the liberty to insert:

"Gentlemen, your worthy mayor has alluded to the subject of internal improvements. Having no doubt of the power of the general government over various objects comprised in that denomination, I confess that I have felt great pleasure in forwarding them, to the extent of my ability, by means of reasonable government aid. It has seemed strange to me, that, in the progress of human knowledge and human virtue (for I have no doubt that both are making progress), the objects of government should so long have been principally confined to external affairs, and to the enactment of the general laws, without considering how much may be done by the government, which can not be done without it, for the improvement of the condition of the people. There are many objects, of great value to man, which can not be attained by unconnected individuals, but must be attained, if attained at all, by association. For many of them, government seems the most natural and the most efficient association. Voluntary association has done much, but it can not do all. To the great honor and advantage of your own state, she has been forward in applying the agency of government to great objects of internal utility. But even states can not do every thing. There are some things which belong to all the states, and if done at all, must be done by all the states. At the conclusion of the last war, it appeared to me that the time had come for the government to turn its attention inward; to survey the condition of the country, and par-



ticularly the vast Western country; to take a comprehensive view of the whole; and to adopt a liberal system of internal improvements. There are objects not naturally within the sphere of any one state, which yet seemed of great importance, as calculated to unite the different parts of the country to a better and shorter way between the producer and the consumer, to be also of the highest advantage to government itself, in any emergency. It is true, gentlemen, that the local theatre for such improvement is not mainly in the East. The East is old, pretty fully peopled, and small. The West is new, vast, and thinly peopled. Our rivers can be measured, yours can not. We are bounded, you are boundless. The West was, therefore, most deeply interested in this system, though certainly not alone interested even in such works as had a Western locality. To clear her rivers was to clear them for the commerce of the whole country; to construct harbors, and clear entrances to existing harbors, whether on the Gulf of Mexico or on the lakes, was for the advantage of that whole commerce. And if this were not so, he is but a poor public man whose patriotism is governed by the cardinal points; who is for or against a proposed measure according to its indication by compass, or as it may happen to tend further from, or come nearer to his own immediate connections. And look at the West! Look at those rivers—look at the lakes—look especially at Lake Erie, and see what a moderate expenditure has done for the safety of human life and the preservation of property in the navigation of the lake, and done, let me add, in the face of a fixed and ardent opposition!"

"Gentlemen, I pass over what I have said on other occasions in support of measures for harbor and river improvements, and in defense of the grounds of right and policy, on which I suppose such measures to rest, and I come to certain recent and most interesting occurrences.

"It is well known, gentlemen, that a bill for the improvement of harbors and the navigation of rivers passed both houses in July, 1846. This bill was disapproved by the President, and his veto message, as it is called, was sent to Congress on the third day of August.

"This message, the first of its kind transmitted to Congress by the present President of the United States, may well be sup-

posed to have been drawn up, not only with care, but also upon consultation with his usual advisers, the heads of departments, whose concurrence and support it no doubt received; at least it is not known that any dissent was expressed in the cabinet, or by any of its members; and its doctrines were supported by a majority of the President's friends in the House of Representatives, when the bill was again put to the vote there, according to the forms of the Constitution. It was lost, of course, by the want of concurrence of the votes of two thirds of the members.

“This veto message, as it is the most recent, may also be regarded as the most authentic exposition of the principles and opinions of those leading politicians who are opposed to grants of money for improving harbors and rivers, and for works of similar character.

“The message is in every body's hands, and has, of course, been universally read. It is not my present purpose to comment on it, except so far as to show in what light its doctrines and its character struck me, and how widely it differed from my own opinions.

“Three or four months after the defeat of the Harbor Bill by the veto message, on the 2d day of December, 1846, I made a speech to a meeting of merchants and other citizens of Philadelphia. On that occasion, so interesting a matter as the loss of this bill could not but attract attention. From my printed speech, delivered before that assemblage, I transcribe the following extracts:

“‘Let us contemplate for a moment the Mississippi. This noble and extraordinary stream, with seven or eight millions of people on its banks, and on the waters falling into it, absolutely calls for harbors, for clearing out rivers, for the removal of *snags*, and other obstacles to safe navigation. Who is to do this? Will any one of the states do it? Can all the states do it? Is it the duty appropriate of any state, or any number of states? No, no, we know it is not. We know that unless this government be placed in the hands of men who feel that it is their constitutional authority and duty to make these improvements, they never will be made, and the waters of the Mississippi will roll over *snags*, and *snags*, and *snags* for a century to come.

“ ‘These improvements must come from the government of the United States, or in the nature of things they can not come at all; and I say that every steam-boat that is lost by one of these *snags*—every life that is sacrificed—goes to make up a great account against this government. Why, what a world is there! What rivers, and what cities on their banks! Cincinnati, New Orleans, St. Louis, Louisville, Natchez, and others that spring up while we are talking of them, or, indeed, before we begin to speak of them—commercial marts, great places for exchange of commodities along these rivers, which are so many inland seas, as it were! And what! the general government no authority over them—no power of improvement? Why, that will be thought the most incredible thing, hereafter, that ever was heard of. It will not be believed that it ever had entered the head of any administration that these were not objects deserving the care and attention of the government. I think, therefore, that the Harbor Bill, negatived by the President, raises a vital question. This question was put in Congress, it has been put since, it was put at the polls. I put it now to be the question, whether these internal improvements of the lakes and rivers shall be made or shall not be made; and those who say they shall not be made are right to adhere to Mr. Polk, and those who say they shall be made, and must be made, and they will have them made, why, then, they have the work in their own hands, and they, being a majority of the people, will do it. I do not know that we of the East and North have any especial interest in this, but I tell you that we of the East think that we have an especial interest in it. I have thought so, at least, ever since I have been in Congress, and I believe all my associates from Massachusetts have also thought so. We think we have an interest—an especial interest—in manifesting a spirit of liberality in regard to all expenses for improvements of those parts of the country watered by the Mississippi and the lakes. We think it belongs both to our interest and our reputation to sustain improvements on the Western waters.’ ”

“ Now let us not be carried away by a vague notion that the Constitution of the United States has no power to make internal improvements, and therefore does not authorize expenditures on a harbor. We are speaking of things, not by any gen-

eral name, not by classification or classes, we are speaking of things by phrases descriptive of the things themselves. We call a harbor a harbor. If the President of the United States says that is a matter of internal improvement, why then I say that the name can not alter the thing—the thing is a harbor. And does not every one of these harbors touch navigable waters? Is not every one of them on the shore of the sea, bay, gulf, or navigable river? and are not the navigable waters of the ocean, the gulf, and bays, and rivers, are they not all for commercial purposes, out of the jurisdiction of the states, and in the jurisdiction of the United States?

“How can it be said that these are within the particular jurisdiction of the states? Wherever the money is so expended, it is expended within the jurisdiction of the United States, and for the purposes conceded to it by the Constitution, that is to say, the regulation and protection of commerce.

“But now let us go to the origin of this power. Let us appeal from the opinions of the President of the United States to the written text of the Constitution, and let us see what that is. The power of the government of the United States in this respect is expressed in the Constitution in a very few words. It says that *Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes!*

“The whole force is concentrated in that word ‘regulate.’ Well, Mr. Polk himself admits that the word regulate, as applied to facilities for foreign trade, does extend to the making of beacons, piers, and light-houses; but his whole message attempts to run a distinction between foreign trade and trade between the states.

“But the power over each is given in the same clause of the Constitution, in the very same words, and is exactly of equal length and breadth with the other. If one is denied, both are denied; if one is conceded, both must be conceded. It is impossible to separate them by any argument or logical process worthy of a statesman’s mind. It is wholly arbitrary, I say, without the least foundation, to say that Congress may make provision for a harbor accommodation for foreign commerce and not for domestic trade. Is the latter not as important as the former? Is not the breakwater at the mouth of the Del-



aware Bay as important for the trade of Philadelphia with New Orleans as with Liverpool? and so every where else? Is not our coasting trade one of the largest branches of our maritime interest, and can we yet do nothing for that?

“It is strange that any man should entertain the idea that such a distinction could be drawn. I have before me a long list of acts of Congress, of a good deal of importance, as I think, tending to show that the President is mistaken when he speaks of the acquiescence and approbation of the people in opinions adverse to harbor improvements. The opinion both of Congress and the people seems quite the other way.

“Gentlemen, I now propose to quit this question. In the free discussions that have taken place on it in and out of Congress, the argument is exhausted. The question is, Whether we are convinced, and whether we are to stand up to our convictions? The question is, Whether the great West, so important a part of the country, bearing its share of all the common burdens, is to be struck out of all participation in the benefits which are bestowed upon other portions of the Union? I think not. The question is put already. I expect to hear an answer to it from the North, Northwest, and the South. But, then, I do not rely upon conventions at Memphis, at St. Louis; I do not rely on resolutions. I rely on the disposition of the people to understand what their constitutional rights are, and then to take care that those constitutional rights shall be fairly protected, by being intrusted to proper hands.

“But, before I entirely leave this part of the subject, I must say a word upon an important report made to the Senate at the last session by a committee to whom the resolutions passed by the Memphis Convention were referred. A distinguished senator from South Carolina (Mr. Calhoun) was chairman of the committee, and framed that elaborate report. So far as he admits any thing done by Congress to have been rightfully done, and admits any degree of authority in Congress to do what has not yet been done, I concur with him. The rest I reject, for I do not think the distinctions taken by that eminent man are sound. I regret that it is my misfortune to differ with him.

“The report proposes, I may state in brief, that where a river divides two states, or only two states are concerned, these two states must make the necessary improvements themselves.



I do not agree with that; I do not suppose that it is any matter of consequence whether the necessary improvements are connected with two states, or four, or only one.

“It is not a question of location—it is a question of public importance. Look, for instance, at that portion of the North River which runs between two shores, both of which belong to New York. There, I suppose, the power of Congress over Governor Marcy’s overslaugh farm, as it is called, is as perfect as it is to make a similar improvement further down, where the river divides the states of New York and New Jersey. The distinction attempted, as it strikes me, is a distinction without a difference.

“Well, having thus alluded, in the most respectful manner, to the report of the committee of the Senate, and not having time to discuss its propositions at any considerable length, I will now, by way of conclusion, give you my opinion on all this question of the power of making harbors. In my opinion, Congress has the power to make harbors on the rivers and the lakes to the full extent to which it has ever proposed to exercise such power.

“That, whether these proposed harbors be judged useful for foreign commerce, or only for commerce among the states themselves, the principle is the same, and the constitutional power given in the same clause and in the same words.

“That Congress has power to clear out obstructions from all rivers suited to the purposes of commerce, foreign or domestic, and to improve their navigation and utility by appropriations from the treasury of the United States.

“That, whether a river divides two states or more than two, or runs through two states or more than two, or is wholly confined to one state, is immaterial, provided its importance to commerce, foreign or domestic, be admitted.

“For instance, the North River is a navigable, tide-water river for many miles, while running entirely within the territory of the State of New York. Yet I suppose the removing of obstructions in this part of the river is as fully within the power of Congress as the removing of obstructions in the other parts of the river, where it divides New York from New Jersey.

“I think it wholly immaterial whether a proposed improve-

ment in a river for commercial purposes be above or below an actual existing port of entry.

“If, instead of clearing out the rocks, and in that manner improving the channel of a river, it is found better to make a canal around falls which are in it, I have no doubt whatever of the power of Congress to construct such a canal. I think, for instance, that Congress has power to purchase the Louisville Canal around the Falls of the Ohio, and that it ought to exercise that power now, if the work can be purchased at a reasonable price; and that the canal should then be free to all who have occasion to use it, reserving such tolls only as should be sufficient to keep the works in repair.

“It seems to me that these propositions all flow from the nature of our government, and its equal power over trade with foreign nations and among the states, and from the fact resulting from these powers, that the commerce of the United States is a unit.

“I have no conception of any such thing as seems to be thought possible by the report of the committee of the Senate, that is, an external commerce existing between the two states, carried on by the laws and regulations of their own, whether such laws and regulations were adopted with or without the consent of Congress.

“I do not understand how there can be a Pennsylvania vessel, built, manned, and equipped under Pennsylvania laws, trading as such Pennsylvania vessel with New York or Maryland, or having any rights or privileges not conferred by acts of Congress; and, consequently, that the idea is unfounded which supposes that when only two states are interested in the navigation of a river, or its waters touch only the shores of two states, the improvement of such river is excluded from the power of Congress, and must be left to the care of the two states themselves, under an agreement which they may enter into, with the consent of Congress, for that purpose.

“In my opinion, the provision of the Constitution which forbids a state from entering into any alliance, compact, or agreement with another state, without consent of Congress, can draw after it no such conclusion as that, with the consent of Congress, two states ought to be bound to improve the navigation of a river which separates their territories; and that, therefore,

the power of Congress to make such improvements is taken away. A river flowing between two states, and two states only, may be highly important to the commerce of the whole Union. It is sufficient to say that the whole argument is founded on the notion that the Constitution prohibits *more* than two states from entering into agreements, even *with* the consent of Congress.

“This is manifestly untenable. The Constitution extends as fully to agreements between three, four, or five states, as between two only, and the consent of Congress makes an agreement between five as valid as between two. If, therefore, two states can improve rivers with the consent of Congress, so can five or more; and if it be a sufficient reason for denying the power of Congress to improve a river in a particular case, that two states can themselves do it, having first obtained the consent of Congress, is an equally valid reason in the case where five or ten states are concerned. They, too, may do the same thing with the consent of Congress. The distinction, therefore, between what may be done by Congress where only two states are concerned with a river, and what may be done in cases where more than two are so connected, entirely vanishes. I hold the whole doctrine of the report of the committee on this point to be unsound. I am also of opinion that there is no difference between the power to construct a pier and the power to construct a harbor. I think that a single pier of itself affords a degree of shelter and protection from winds and seas; that two parallel piers make a harbor; and that, if one pier may be rightfully constructed, it is no extravagant stretch of constitutional power to construct another. In fine, I am of opinion that Congress does constitutionally possess the power of establishing light-houses, buoys, beacons, piers, breakwaters, and harbors on the ocean, the Gulf, the lakes, and the navigable rivers; that it does constitutionally possess the power of improving the great rivers of the country, clearing out their channels by deepening them or removing obstructions, in order to render navigation upon them more safe for life and property; and that, for the same reason, Congress may construct canals around falls in rivers, in all necessary cases.

“All this authority, in my opinion, flows from the power over commerce, foreign and domestic, conferred on Congress by

the Constitution; and if auxiliary considerations or corroborative argument be required, they are found in two facts, viz.: 1st. That improvements such as have been mentioned, whether on the ocean or the Gulf, on the lakes or the rivers, are improvements which, from their nature, are such as no single state, nor any number of states, can make, or ought to be called on to make. All idea of states undertaking such improvements is, in my opinion, preposterous. And, in the second place, as all the revenues derived from commerce accrue to the general government, and none of it to the states, the charge of improving the means of commerce and commercial intercourse, by such works as have been mentioned, properly devolves on the treasury of that government, and on that treasury alone.

“I shall not trouble you, gentlemen, with any farther reference to opinions expressed by me on the subject of harbor and river improvements.

“Every successive year, and, I may say, every successive month, strengthens and confirms these opinions, and I feel now, as I have always felt, that in the end they must prevail, and that end, I think, approaches. At the last session of Congress, a harbor bill, similar in principle to that of the preceding session, passed both houses of Congress, but it passed within the last ten days of the session; the President saw fit to retain it, as he had the power of doing, without approving or returning it, and, of course, it did not become a law. I suppose there is no doubt that the repeated loss of this great measure by the refusal of the executive government to co-operate in it, has been the immediate cause of the calling of the Convention at Chicago. I wish all possible success and favorable results to the deliberations of that Convention. It may, I trust it will, do much good. It may hasten the triumph of a cause which is most assuredly destined to triumph. A great majority of the people are satisfied that the power to make these improvements does exist in the government of the United States, and that it is the bounden duty of the government to exercise that power. The will of the people is ascertained, it can not be doubted, and it will prevail. Not to mention other cases, I ask if any one imagines that an enlightened community will long consent that the shipping and commercial accommodations of the city of Buffalo



shall all be pent up in the narrow dimensions of Buffalo Creek? or does any one suppose that any government, or any administration, can receive any support and confidence, which refuses all harbor improvements to the city in which the Convention is now to assemble? Chicago, a commercial place of recent origin, is already a large city. It is the sea-port of Illinois. It is now accessible by vessels from the Atlantic Ocean. It is also on a great line of internal communication from Boston and New York to New Orleans: shall it have no convenient harbor? Shall it be able to afford no safe refuge for property and life from the storms which vex the lake?

“ You have been pleased, gentlemen, to call a convention without regard to the distinctions of party. I am glad of it. I am glad to find that it is believed that persons belonging to a party which heretofore, as a party, has strenuously opposed harbor improvements, are now ready to join in measures for their support. I have no doubt that this is true. I have no doubt, especially, that among the younger part of our fellow-citizens, who have not been in times past hopelessly committed on these subjects, a just and unprejudiced opinion is fast making its way. The truth is, that of the two great parties which have divided the country, one has been for internal improvements, and one against them; but in this latter party individuals have been found, principally, I believe, from the Western and Northwestern states, who have voted for such improvements, and thereby created a majority in their favor in the House of Representatives, against the general voice of their party, and against the wishes and vetoes of the executive government. Broad and deep as has been the division of parties, yet these individuals have felt constrained, by a sense of duty and a clear conviction of what the public good requires, to reject the force of party ties, and vote with their opponents. This conduct is patriotic and honorable, and, I hope, will be imitated by others. Indeed, I should rejoice to see that which has so long been a party question become a national question, and a question which shall have but one side to it. I should rejoice to see no difference of opinion on a topic of such vital and general interest. This, however, I may perhaps not see; but I shall see, I am sure, the cause of internal improvement triumph by decided majorities. I shall see the lake harbors improved,



and new ones constructed; I shall see the noble rivers of the West cleared of their obstructions; I shall see the great internal interests of the country protected and advanced by a wise, liberal, and constitutional exercise of the powers of the government.

“In laying this communication before the Convention, I pray you, gentlemen, to tender to its members my personal regards, and I pray you also to accept for yourselves my respects and good wishes.

DANIEL WEBSTER.

“To the Committee, &c.”

### OPINIONS OF THOMAS H. BENTON,

as expressed in a letter to the Chicago Convention, dated

“ST. LOUIS, *June* 20th, 1847.

“GENTLEMEN,—In my brief note addressed to you on my return from Jefferson, I expressed the gratification I should have felt in going with the St. Louis delegation to the Chicago Convention, and made known the reason which would prevent me from having that pleasure.

“The lake and river navigation of the great West, to promote which the Convention is called, very early had a share of my attention, and I never had a doubt of the constitutionality or expediency of bringing that navigation within the circle of internal improvement by the federal government, when the object to be improved should be one of general and national importance.

“The junction of the two great systems of waters which occupy so much of our country—the Northern lakes on the one hand, and the Mississippi River and its tributaries on the other—appeared to me to be an object of that character, and Chicago the proper point for effecting the union; and near thirty years ago I wrote and published articles in a St. Louis paper in favor of that object, indicated, and almost accomplished by Nature herself, and wanting but little from man to complete it. Articles in the St. Louis Enquirer of April, 1819, express the opinions which I then entertained, and the ‘*report*’ of that period, published in the same paper, to the Secretary of War, by Messrs. Graham & Philips, in favor of that canal (and which ‘*report*’ I wrote), was probably the first formal communication, upon authentic data, in favor of the Chicago Canal. These gentlemen,

with Mr. John C. Sullivan, of Missouri, having been appointed by the Secretary of War to run a line from the south end of Lake Michigan to the Mississippi, I proposed to them to examine the ground between Chicago and the head waters of the Illinois River, with a view to the construction of a canal by the federal government. They did so, and on their return to St. Louis submitted all their observations to me, and hence the publications in the newspapers, and the report of the Secretary of War. I mention this to show that my opinions on this subject are of long standing, and that the nationality of the Chicago Canal, and, of course, the harbor at its mouth, are by no means new conceptions with me. But I must confess I did not foresee then what I have since seen—the Falls of Niagara surmounted by a ship canal, and a schooner clearing from Chicago for Liverpool.

“The river navigation of the great West is the most wonderful on the globe, and, since the application of steam power to the propulsion of vessels, possesses the essential qualities of open navigation. Speed, distance, cheapness, magnitude of cargoes, are all there, and without the perils of the sea from storms and enemies. The steam-boat is the ship of the river, and finds in the Mississippi and its tributaries the amplest theatre for the diffusion of its use and the display of its power. Wonderful river! Connected with seas by the head and by the mouth—stretching its arms toward the Atlantic and the Pacific—lying in a valley which is a valley from the Gulf of Mexico to Hudson’s Bay—drawing its first waters, not from rugged mountains, but from the plateau of the lakes in the center of the continent, and in communication with the sources of the St. Lawrence and the streams which take their course north to Hudson’s Bay—draining the largest extent of richest land—collecting the products of every clime, even the frigid, to bear the whole to market in the sunny South, and there to meet the products of the entire world. Such is the Mississippi! And who can calculate the aggregate of its advantages, and the magnitude of its future commercial results?

“Many years ago, the late Governor Clark and myself undertook to calculate the extent of the boatable waters in the Valley of the Mississippi: we made it about fifty thousand miles, of which thirty thousand were computed to unite above St. Louis, and twenty thousand below. Of course we counted

all the infant streams on which a flat, a keel, or a batteau could be floated, and justly, for every tributary of the humblest boatable character helps to swell, not only the volume of the central waters, but of the commerce upon them. Of this immense extent of river navigation, all combined into one system of waters, St. Louis is the center, and the *entrepôt* of its trade; presenting even now, in its infancy, an astonishing and almost incredible amount of commerce, destined to increase forever. It is considered an inland town. Counting by time and money, the only true commercial measure of distances, St. Louis is nearer to the sea than New Orleans was before the steam tow-boat abridged the distance between that city and the mouth of the Mississippi. St. Louis is a sea-port as well as an inland city, and is a port of delivery by law, and has collected \$50,000 of duties on foreign imports during the current year, and with a liberal custom would become a great *entrepôt* of foreign as well as domestic commerce. With the attributes and characteristics of a sea-port, she is entitled to the benefits of one as fully and as clearly as New York or New Orleans.

“About twenty years ago I moved in the Senate and obtained an appropriation for a survey of the Rapids of the Upper Mississippi: it was probably the first appropriation ever obtained for the improvement of the upper part of the river. About twenty-five years ago I moved, and succeeded in the motion, to include the Missouri River in a bill for the improvement of Western rivers: it was the first time that river had been so included. Thus, on the important items of the Chicago Canal, the Rapids of the Upper Mississippi, and the Missouri River, I was among the first to propose to include them within the circle of internal improvements by the federal government. I have always been a friend of that system, but not of its abuses: and here lies the difficulty, and the danger, and the stumbling-block to its success. Objects of general and national importance can alone claim the attention of the federal government, and in favor of such objects I believe all the departments of the government are united. Confined to them, and the Constitution can reach them and the treasury sustain them. Extended to local or sectional objects, and neither the Constitution nor the treasury could uphold them. National objects of improvement are few in number, definite in character, and man-

ageable by the treasury; local and sectional objects are innumerable, and indefinite, and ruinous to the treasury. Near twenty years ago the treasury was threatened with a demand for two hundred millions of dollars for objects of internal improvement, then applied for, and many of them of no national importance. The enormity of the sum balked the system; and so it must be again, if the proper discrimination is not kept up between local and national subjects. It is for Congress to make that discrimination; the President can not: he must reject or approve the bill as a whole. Here, then, is the point at which the friends of the system in Congress must exert all their care and vigilance. No arbitrary rule can be given for the admission or exclusion of proper objects; but really national objects admit of no dispute, and, confined to them, I apprehend but little danger of losing a bill, either from executive vetoes or for want of votes in Congress.

"Very respectfully, gentlemen, your friend and fellow-citizen.

"THOMAS H. BENTON.

"To the Committee, &c."

### OPINIONS OF JOHN C. CALHOUN,

as delivered in his address on being called to preside over the Memphis Convention: [See Appendix C.]

*"Gentlemen of the Convention:*

"I thank you for the honor you have conferred on me by calling me to preside over your deliberations.

"The object of the meeting, so far as I have learned, is the development of the resources of the West and South. And, gentlemen, it is for you to determine what they are, by what means they can be best developed, and also how far the aid of the general government may be invoked to carry them out; and here, I trust, it may not be deemed improper to state my own opinion on these points.

"The region occupied by the Western and Southern states is of vast extent. It may, indeed, be properly divided into three parts:

"I. The Mississippi Valley, that magnificent country drained by the mighty stream whose current rolls by your city, which extends nearly through the temperate zone from north to south, and from the Rocky to the Alleghany Mountains from west to east.



"II. That portion which stretcheth from the mouth of the Mississippi River along the Gulf of Mexico and the Atlantic Ocean, and the chief productions of which are cotton and rice.

"III. That portion stretching from the Mississippi River along the Gulf of Mexico to the Mexican line; and here I may be permitted to include Texas, which, though not yet formally admitted as a state, is destined, at no far distant period, to shine as a bright star in the national galaxy.

"The vast region comprehending these three divisions may justly be called the great agricultural portion of our Union; and, as such, it must ever predominate. Consider its climate so various; its extent so vast; its soil so fertile: its products are every fruit, and grain, and vegetable belonging to a temperate zone, and that in rich profusion and abundance. Nature has been munificent toward this favored region. Already has much been done in the onward progress of this country. Here all the articles to clothe and feed mankind are produced, not only in sufficient abundance for our wants, and for the United States, but their supply demands the market of the whole world to consume. Cotton, breadstuffs, lead, sugar, tar and turpentine, ginseng, and other articles too numerous to mention, all seek a market both at home and abroad. In a short time, also, your fertile valleys and extensive prairies will have undergone farther improvements and extension; your cotton and breadstuffs will have greatly increased in quantity, and, at the same time, Texas will have added greatly to the manufacture of sugar.

"The great question, then, gentlemen, I now approach. *How shall we develop these great resources?* How shall we bring into active use the munificent gifts of Nature here provided, whether on the surface or in the bowels of the earth?

"There is one thing needful; that is, that *you shall get a fair price for all your produce.* This will make this region the garden of the world. Now how will you do this? There is but one course, viz., a commensurate extension of your market. This, again, can only be done in one way; that is, by a free and ready transit between this region and the several states of the Union; beyond that, with the rest of the world.

"Here, gentlemen, I would remark, I intend no embellishment. We have met for business purposes, and for such an end the present remarks I shall endeavor to make practical.



“How shall we effect this cheap and perfect transit for persons and merchandise? Gentlemen, Nature has been eminently propitious to us. First, we have the mighty Mississippi and its tributaries. It will be your part to see that these shall be so aided by art as to give the utmost facility for their navigation. How, then, shall your valley and the Southern Atlantic cities be united? We have at present only a coasting voyage round the shores of the Gulf of Mexico. This ought to be made secure in peaceful times, more especially in event of war. A war would here produce the stoppage of an artery of our system, and inevitably end in the convulsion of commerce. Great though the natural advantages here may be, much remains to be done. The great impediment to be overcome is distance. From New Orleans to Charleston, via Florida Point, is somewhere about two thousand miles, and a very dangerous passage. The Florida Keys are fraught with danger to the mariner; and long before commerce had attained to its present state, the annual losses in this voyage amounted to no less than five hundred thousand dollars.

“This, it may be true, falls on insurance, but is not less a loss. From Memphis or from Nashville, the distance to Charleston is not less than two thousand three hundred miles, via Florida Point, with all its dangers, while in a direct route across the country it is only about six hundred miles. A good rail-road would be the means of accomplishing this journey in two days, the effect of which, in the rapid transit of persons and light merchandise, will be of great importance. To effect this object, Nature has been eminently munificent. On either side the range of Alleghanies are vast and fertile plains, and bursting through these ranges in convenient gaps flow the Cumberland and Tennessee Rivers. It so happens that from every direction there are natural openings through this lofty range, all meeting in the State of Georgia at a single point, Atlanta, in De Kalb county. In every direction they tend to that point, harmonizing all interests of all directions in that one spot, and interesting all parties in the farther execution of each other's views.

“I can not here go into detail as I could wish. Facts, however, will be presented to the consideration of the Convention by a suitable committee for that purpose, which will dispense

with the necessity of going farther than a general allusion to this topic.

"I may, in illustration, however, be permitted to say, that at the outset of the construction of the Charleston and Savannah Rail-road there was great jealousy of each other. Eventually, however, better counsels prevailed. The roads, by necessity, met at Atlanta, in De Kalb county, Georgia, and from that point there is to both of these companies a mutual and joint interest in the farther prosecution to completion of a rail-road to the Mississippi Valley. Now a rail-road is projected from Oxford through the Hiwassee District, which, of necessity, goes to Atlanta; that from Nashville, through Chattanooga, must pass to the same point; that from Memphis the same; from Grand Gulf or Vicksburg, the same; from New Orleans, the same: and this shows that instead of rivalry, we in truth are interested in the execution of all. We all meet at one point, the farther progress from which is of mutual advantage and interest to all.

"I trust, gentlemen, a spirit will govern this assembly which will remove all jealousy, if any have existed, between diverse interests. They are all one in reality. I hope to see harmony; all aiding in all, and rejoicing in doing so.

"In these remarks I do not cross the Mississippi River to the newer region of country, for on this point I am unprepared; but I firmly hope and believe there will be no difficulty there. Their interests are ours.

"The systematic police of your streams, and their protection in war, will, it is true, afford great facility in the transit of persons and merchandise, and a ready market in one place if not another, even a market at every man's door. But this is as yet but little. We must look to our connection with the North as well as among ourselves, and see that that connection is secure from danger of navigation as well as contingency of war. The rail-road system is the only sure and uninterrupted means of connection therewith, and that for the six months in the year when, from opposite causes, either ice or drought, the ordinary channels of inland navigation are closed. Besides great rail-road communications, we must also connect the valleys of the Mississippi and St. Lawrence Rivers, to effect which the Illinois River presents great natural advantages. Other

links of connection now in progress will shortly be completed: the New York and Erie Rail-road, the Pennsylvania Rail-roads, the Baltimore Rail-road, the Chesapeake and Ohio Canal, the James River and Kanawha Rail-road, and other companies pushing on their noble enterprises to completion.

“This, then, gentlemen, brings us to a more delicate question, and that is, *How far may we invoke the aid of the general government?* On this point, gentlemen, I am aware there is a diversity of opinion. It is well known that I am for a rigid construction of our Constitution. I will not—nay, I would scorn to take this occasion to pass opinion on topics belonging to other halls than these; and here I would beg all to act with forbearance. If general topics arise, let every constitutional scruple be an untouched point. Your circular of last July, excluding subjects of political controversy, I read with pleasure on that account. Our general government, however, is one of limited powers. The restrictions must be sacred, and on them depend the duration of our Constitution and our country. On their integrity depends the fond anticipation of the founders of our government that for time to come it should far surpass all others.

“As to the improvement of the Valley of the Mississippi—what, then, can the general government do? The invention of Fulton has, if I may be allowed the expression, turned the Mississippi River and its tributaries into an inland sea, of equal importance in its navigation with the Chesapeake and Delaware Bay. It is, therefore, a matter peculiarly within the jurisdiction of the federal government, and deserving in the highest degree of its police and protection. This is not a matter to be left to individual states. It is one of high national importance. We may safely lay down as a rule, that whatever can be done by individuals, they ought to accomplish; whatever is peculiarly within the province of states, they should effect; and whatever is essentially within the control of the general government, it should accomplish. I believe the free and uninterrupted navigation of these inland seas (so to speak) is within the peculiar province of the general government. But on these topics it were useless at present to go into details.

“Again, *the connection of the Mississippi Valley with the Southern Atlantic states* is a matter belonging to the general government, and requires attention in two points:

"1st. A more uninterrupted communication between the Mississippi River and the Gulf, by deepening the bar at the Balize, so as at all times to admit the passage of the largest vessels, and thus effect a more immediate junction of the ocean and river trade.

"2d. Security in the event of war, not only by an extensive naval station on the Gulf, and the permanent occupation of those waters by a large naval force, but also by the speedy fortification of the Tortugas.

"These means will tend to keep open the present modes of transit between the Southwestern and Atlantic states.

"There is another mode of intercommunication, however, wherein the intervention of the general government may be more than doubtful. I now allude to the rail-road system. Now government, I contend, can not create a rail-road system, or any other system of internal improvements within any separate state; and grant that it had the power, even then it would be in vain to look for any appropriations. Local appropriations, if I may use a vulgar expression, are controlled and overruled by 'log-rolling;' and, in illustration of the futility of the general government embarking in any undertaking of the kind, I would state that already it has expended not less than \$17,000,000 therein, the whole of which at this time is hardly worth \$1,000,000. However, the government ought to subscribe to every work of internal improvement in proportion to its ownership in lands to be benefited thereby, just as individuals or corporate owners do. This is no new idea to me: I once gave the casting vote in the chair for the ship-canal connection in Illinois on this principle. Now the government is a great landed proprietor in the new states. It ought to terminate that ownership and transfer its management to the states, allowing them thirty-three and one third (a liberal allowance, to be sure) per cent. for attending to it, the other sixty-six and two thirds going to the general government, and connecting this at the same time with the graduation of the prices, so as to reduce their prices even to twenty-five cents per acre. This course, gentlemen, would be productive of a fund which might be appropriated to rail-roads or other works of benefit to the lands so owned. It might be applied, by subscription with states or individuals, to alternate sections of such improvement, all in the

ratio of respective ownership. Such a course will have great effect on the improvement of the Mississippi Valley and its connection with the Atlantic states.

“ I now come to another point. I do not want to allude to the protective system, nor discuss the merits or demerits of a high or the present tariff, nor do I desire at all to force my opinions on any gentleman present. But one subject may incidentally demand our consideration on one article of duty, which may perhaps be discussed without entering into the province of legislative halls, and which has an immediate bearing on the present topic. Individuals may accomplish much by their subscriptions to public enterprise; but regard the expense of a rail-road at present prices. The usual T rail-road iron, as imported into this country under the present tariff, costs not less than \$2000 per mile for the duty. Now, were this duty repealed, it would virtually operate as so much money actually subscribed to the completion of a road. Our own manufacturers can make such iron at from fifty-five to sixty dollars per ton. This I have from the best authority, and from a gentleman who at this time has not less than \$300,000 invested in iron works. There are at present but two manufactories of rail-road iron in this country; but I apprehend many will be induced to engage therein on terms which will produce an ample supply, at a fair profit, on prices not to exceed seventy-five dollars per ton. I sincerely trust the tariff on rail-road iron will be reduced. The importance of this subject will be duly considered by this assembly, and I shall be glad to hear any facts which gentlemen here shall be able to present in the course of our future deliberations.

“ I have now passed, I believe, through all we can ask of the general government, except one topic. We must look to a foreign as well as home market. The present tariff is a barrier to the command of a *foreign* market; but I recommend, even if this be so, that we shall not battle this here. The halls of Congress, not the assembly here met, is the place for that discussion.

“ In conclusion, your position in point of country is truly remarkable for climate, fertility, and extent; but, great as it now is, a more brilliant destiny awaits you. It will not be more than twenty years before you will be deliberating, not how you



shall connect your valley with the Southeastern states, but how you shall connect your valley with the Pacific Ocean, and how, across the continent, you shall connect the commerce of the Atlantic and Pacific Oceans, and thus control the transit of the products of the world.

“Let your moderation, harmony, and unanimity, gentlemen, set an example which shall hereafter have its effect in similar results, where we trust the deliberations of this Convention will be duly responded to. And may the results be such as to perpetuate and strengthen, if possible, by other indissoluble bonds, that intimate connection which shall ever be our boast—that, as long as time shall last, we may continue to be the most prosperous country the world ever saw.”

### OPINIONS OF SILAS WRIGHT.

“CANTON, 31st *May*, 1848.

“GENTLEMEN,—Your circular, inviting me to attend a ‘Northwestern Harbor and River Convention,’ to be assembled in Chicago on the first Monday of July next, was duly received, forwarded by Mr. Whiting of your committee. My attention had been previously called to the same subject by the invitation of a friend, at your city, to attend the Convention, who generously tendered me quarters in his family during its sitting. I was forced, from the state of private business, to inform him that I could not make the journey at the time named, and the period which has elapsed since I declined his invitation has only tended to confirm the conclusion pronounced to him. Were it possible for me to attend the proposed convention without an unreasonable sacrifice, I should most gladly do so, as my location gives me a strong feeling in reference to the prosperity and safety of the commerce of the lakes. The subject of the improvement of the lake harbors is one which my service in Congress has rendered somewhat familiar to me in a legislative aspect, while my personal travel upon the two lower lakes has made the necessity for these improvements manifest to my senses. I am aware that questions of constitutional power have been raised in reference to appropriations of money by Congress for the improvement of lake harbors, and I am well convinced that honest men have sincerely entertained strong scruples upon this point, but all my observation and ex-

perience have induced me to believe that these scruples, where the individual admits the power to improve the Atlantic harbors, arises from the want of an acquaintance with the lakes and the commerce upon them, and an inability to believe the facts in relation to that commerce, when truly stated. It is not easy for one familiar with the lakes and the lake commerce to realize the degree of incredulity, as to the magnitude and importance of both, which is found in the minds of honest and well-informed men residing in remote portions of the Union, and having no acquaintance with either, while I do not recollect an instance of a member of Congress who has traveled the lakes and observed the commerce upon them within the last ten years requiring any further evidence or argument to induce him to admit the constitutional power and the propriety of appropriations for the lake harbors as much as for those of the Atlantic coast. I have long been of the opinion, therefore, that to impress the minds of the people of all portions of the Union with a realizing sense of the facts as they are in relation to those inland seas, and their already vast and increasing commerce, would be all that is required to secure such appropriations as the state of the national treasury will from time to time permit, for the improvement of the lake harbors: I mean the improvement of such harbors as the body of the lake commerce requires for its convenience and safety, as contradistinguished from the numerous applications for these improvements which the various competing local interests upon the shores of the lake may prompt, and I make this distinction because my own observation has shown that application for harbor improvements at the public expense are made and passed within distances of a very few miles, and at locations where, from the natural position of the lake coast, a good harbor at either point would secure to the commerce of the lakes all the convenience and safety of duplicate improvement. Much of the difficulty of obtaining appropriations grows out of these conflicting applications; and the sternness with which all are pressed, as necessary to the lake commerce, impairs the confidence of strangers to the local claims and interests in the importance of all.

It is the duty of those who urge these improvements, for the great objects for which alone they should be made at the expense of the nation, viz., the convenience and safety of the

lake commerce, to be honest with Congress, and to urge appropriations only at points where these considerations demand them. The river improvements constitute a much more difficult subject, and the connection of them with the lake harbors has often, to my knowledge, fatally prejudiced the former. There are applications for improvements of rivers about which, as a matter of principle and constitutional power, I have no more doubt than about the harbors upon the lakes or the Atlantic coast, and there are those which, in my judgment, come neither within the principle nor the constitutional power; but draw a line between the two classes of cases I can not. I have witnessed numerous attempts to do this, but none of them have appeared to my mind to be very sound or very practical. The facts and circumstances are so very variant between the various applications, that I doubt whether any general rule can be laid down which will be found just and practical; and I think the course most likely to secure a satisfactory result, with the least danger of a violation of principle, would be for Congress to act separately and independently upon each application. There has appeared to me to be one broad distinction between these cases, which has not always been regarded, but which I think always should be. It is between the applications to protect and secure the safety of commerce upon rivers, where it exists and is regularly carried on in defiance of the obstructions sought to be removed, and in the face of the dangers they place in its way, and those applications which ask for improvement of rivers, that commerce may be extended upon them where it is not. The one class appear to me to ask Congress to regulate and protect commerce upon rivers where commerce in fact exists, and the other to create it upon rivers where it does not exist. This distinction, if carefully observed, might aid in determining some applications of both classes, but is not a sufficient dividing line for practical legislation, if it is for the sentiment of the principle upon which all such applications should rest. I use the term 'commerce' in this definition, as I do in this letter, in its constitutional sense and scope.

"I must ask your pardon, gentlemen, for troubling you with so long and hasty a communication in reply to your note. It is not made for any public use, but to express to you very imperfectly some of my views upon the interesting subjects you

bring to my notice which I shall not have the pleasure of communicating in person, and to satisfy you that I am not indifferent to your request.

“Be pleased to accept my thanks for your polite invitation, and believe me your very respectful and obedient servant,

“SILAS WRIGHT.

“To the Committee, &c.”

### LETTER FROM HENRY CLAY.

“ASHLAND, *May 24th, 1847.*

“DEAR SIR,—I received your letter, accompanied by the circular of the committee, requesting my attendance at the Northwestern Harbor and River Convention, proposed to be held at Chicago on the first Monday in July next. Cordially concurring in what is announced to be the object of the Convention, I should be happy to assist in the accomplishment of it, if it were in my power; but I regret that I can not conveniently attend the Convention.

“Wishing that its deliberations may be conducted in a spirit of harmony, and that they may lead to good practical results, I am, with great respect, your obedient servant,

“HENRY CLAY.

“E. W. TRACY, Esq.”

### LETTER FROM MARTIN VAN BUREN.

“LINDENWALD, *May 21st, 1847.*

“MY DEAR SIR,—I thank you kindly for the obliging terms in which you have been pleased to communicate to me the invitation of the committee to attend the Northwestern Harbor and River Convention, and beg you to be assured that you do me but justice in assuming that I am by no means indifferent to its objects. Having visited most parts of your interesting country, and witnessed, with admiration and high hopes, its peculiar capacities for improvement, I can not but wish success to all constitutional efforts that have that direction. Regretting that it will not be in my power to comply with your request, I beg you to make my acknowledgments to the committee for this proof of their respect.

“I am, very respectfully and truly yours, M. VAN BUREN.

“E. W. TRACY, Esq.”

## LETTER FROM LEWIS CASS.

*"DETROIT May 17th.*

"DEAR SIR,—I am much obliged to you for your kind attention in transmitting me an invitation to attend the Convention on internal improvements which will meet in Chicago in July. Circumstances, however, will put it out of my power to be present at that time.

"I am, dear sir, respectfully yours,

LEWIS CASS."

## ADDRESS OF JOHN C. SPENCER,

delivered at the Chicago Convention :

"After thanking the members of the Convention for the cordial and flattering welcome they had given him, Mr. Spencer said he would not abuse their kindness by protracted remarks beyond what the occasion seemed to require. Some of the propositions reported required explanations, while others contained assertions the proof of which should be exhibited before they were sanctioned by this meeting, and the general result of the whole series should be stated and illustrated. This duty he would now undertake.

"He would assume that every one who heard him was acquainted with the language of the Constitution of the United States; instead of quoting it, he should, in most instances, merely refer to the clause bearing upon the matter under consideration. The question which he should first examine related to the constitutional power of Congress to appropriate the common funds of the people of this Union to the improvement of the navigation of the lakes and navigable rivers of the interior, so as to facilitate the existing commerce among the states, and to open new avenues and channels for that commerce.

"A stranger, unacquainted with the disputes which have arisen, would be struck with surprise at the existence of a doubt whether any human government could be so badly constituted as to be incapable of applying the means at its disposal to the protection and maintenance of any essential interests of the community for whose benefit it was instituted. The exchange among themselves of the products of a people inhabiting different climes, cultivating different soils, and employed in occupa-



tions of almost infinite variety, would naturally be supposed to be the very first object of any government established by such a people. That exchange being dependent wholly upon the facilities of transportation, the end to be attained can be effected only by creating or improving such facilities. To suppose a government framed deliberately by a people in such manner as to deprive it of a power possessed by every other government on the face of the earth—a power to enable its citizens to reach a market with the products of their industry, and to return with the exchanges of other portions of their country and of foreign lands—would be imputing a degree of fatuity to our ancestors—to the strong heads and full and brave hearts that carried us through our revolutionary struggle, which no descendant of theirs ought to be willing to acknowledge; and yet this is our precise condition in relation to internal trade, unless the power referred to is vested in the federal government. I speak now of that internal trade which is described in the Constitution as ‘commerce among the states,’ and which requires for its regulation the concurrence of two or more states. The prohibition in that instrument, that ‘no state shall enter into any treaty, alliance, or confederation’ (section 10, article 1), would apparently interpose an insuperable obstacle to any preliminary treaty to secure the necessary concurrence. There is an apparent conflict between this and another prohibition of the same instrument, that ‘no state shall, without the consent of Congress, enter into any agreement or compact with another state’ (same article, section 2, sub.). This last clause, however, can not be supposed to have intended that any states could, by compact, even with the assent of Congress, exercise jurisdiction over subjects already expressly vested exclusively in that body. Thus it can not be that two or more states could by compact regulate commerce with foreign nations; and especially for the reasons which will subsequently appear, the framers of the Constitution could not have been willing to throw such an apple of discord as to allow them to regulate commerce among the states: a power which was carefully withheld for most powerful reasons. It doubtless refers to those agreements which execute themselves, and do not look to future co-operation, which would be an alliance. Questions of boundary, or relating to common fisheries, or other common property, might with propriety be

amicably settled by the states interested. But still the assent of Congress was required as a check upon any attempt to form an 'alliance or confederation.' As any agreement to regulate commerce among themselves would necessarily require an alliance for their common protection, such an agreement would fall within the absolute prohibition of the Constitution. And if it fell within the other clause, which it does not, still the independent power of the state is effectually denied by requiring the permission of Congress. But the views already presented, it is presumed, sufficiently show that it is impossible there could be even a contingent concurrent power over a subject that from its nature required exclusive control by the general government. We may safely conclude, therefore, that all power over foreign commerce, or commerce among the states, is absolutely prohibited to the states.

"Since, then, it has been shown that the power in question ought to be possessed by some one of the two governments under which we live, and that it is not vested in the state governments, we are furnished at the threshold of the inquiry with the fair presumption that it does exist in the federal government. An investigation of the history of the debates in the Convention that formed the Constitution affords the most satisfactory evidence that the power was intended to be given to that government in the broadest amplitude declared by the propositions under discussion. Whoever reads those debates will find that the power to lay and collect imposts, given to Congress, and the denial of that power to the states, except for special purposes (and even then to pay the proceeds into the national treasury), were considered in connection with the power to regulate commerce, and that the limitations of the latter were intended to correspond exactly with the former; in other words, that by the clause to regulate commerce it was intended to give to Congress an authority commensurate with the means, and to impose a duty in the application of those means correspondent with the objects which it was supposed the several states would seek to promote if they retained them.

"The ground on which it was proposed to vest in Congress the exclusive power to levy imposts were, 1st. To secure a uniform rule by which foreign trade would be governed; 2d. To prevent conflicts among the states; 3d. To obviate the dan-

ger of the Atlantic states taxing the Western and interior states, by imposing duties on goods passing through them, in order to promote their own interests at the expense of their neighbors; and it was particularly mentioned that there was danger of the Atlantic states opposing the improvement of the navigation of the Mississippi. This last view was pressed particularly by Gouverneur Morris, a delegate from New York. Mr. Clymer, a delegate from Pennsylvania, objected to the grant of all the revenues derived from imposts to the federal government, because he thought 'the encouragement of the Western country was suicide on the part of the old states.' This discussion, and particularly the last remark, indicate, with the clearness and force of concentrated sunbeams from heaven, the objects and motives of the men who formed our Constitution. They had themselves passed through the perils of the Revolution, and the equal perils of the Confederation. They knew what were the future dangers to be apprehended. They were unwilling to subject their offspring and their brethren, who should emigrate to the West, to the tyranny and oppression of the old states: but determined, in the spirit of liberality which common suffering had produced, that the American people, whether at the West or at the East, should be one—one out of many—one out of many in interest, one in affection, in protection, and one in glory and honor. They resolved, by an overwhelming vote, that the revenues derived from imposts should be placed in trust for the whole, in the hands of the general government: and to enable it to apply those and all other general funds, they gave to the same government the power 'to regulate commerce with foreign nations and among the states:' and the occasion and manner of giving this power, as well as the arguments for and against it, demonstrated *what they meant by* 'commerce among the states.'

• There are other facts and occurrences in the debates which confirm this conclusion: but I am unwilling to detain you by quoting them, and prefer to let the great incident which has been quoted stand out in all its strength and force, as a landmark of the Constitution.

• In seeking for the meaning of the framers of the Constitution in the use of the term 'regulate commerce,' we have a right to interpret it as it has ever been understood in all creat-

ies, laws, and public documents; and that interpretation has universally given to the word 'regulate' the utmost latitude of power, and the most complete control of the subject, which any other word or set of words in the language can impart. In this sense it was familiar to those who thus used it.

"Another source of construction is to be found in the acts of the government, particularly when it was composed of those wise and good men who had been members of the Convention. Exactly one month after the government began under the Constitution, namely, on the 7th of April, 1789, an act was passed by Congress, and approved and signed by Washington, 'for the establishment of light-houses, buoys, beacons, and public piers,' which directs that such of the said works as had been constructed by the states should be maintained by the federal government: and it authorized a new light-house. The further history of legislation on those subjects I propose to give in the language of a departed president, General Jackson, in his message of December, 1830: 'The practice of defraying out of the treasury of the United States the expenses incurred by the establishment and support of light-houses, beacons, buoys, and public piers, within the bays, inlets, and harbors, and ports of the United States, to render the navigation thereof safe and easy, is coeval with the adoption of the Constitution, and has been continued without interruption or dispute.'

"Such, then, are the facts of the case; such has been the unvaried construction of the power to 'regulate commerce.' To what respect and confidence is it entitled? I prefer again to give you the answer in the language of General Jackson, in his message returning the Maysville Road Bill: 'For although it is the duty of all to look to that sacred instrument (the Constitution) instead of the statute-book, to repudiate at all times encroachments on its spirit, which are too apt to be effected by the conjuncture of peculiar and facilitating circumstances, it is not less true that the public good, and the nature of our political institutions, require that individual differences should yield to a well-settled acquiescence of the people and confederated authorities in particular constructions of the Constitution on doubtful points. Not to concede this much to the spirit of our institutions would impair their stability, and defeat the objects of the Constitution itself.' I do not quote this because it is new



or extraordinary, but because, coming from such a man, whose heart was always in the right place, whatever may have been the errors of his head, who will not be suspected of any disposition to latitudinarian doctrines, it may be received with more confidence by many than if the same sentiment had been quoted from other eminent statesmen and writers.\*

“We have now seen the construction given to this power ‘to regulate commerce’ in its application to harbors on the rivers of the Atlantic coast. We claim the same construction of the same power in favor of harbors on the interior lakes and navigable rivers, upon the ground that such harbors are necessary to ‘commerce among the states.’ There is nothing in the terms of the grant to justify any difference; and the only question is, What is ‘commerce among the states?’ I have endeavored to show what the framers of the Constitution intended, and what must be comprehended within the term, in order to carry out their design of applying the means derived from imposts to the equal benefit of the interior states; and that, unless the power to improve the means of commercial intercourse between two or more states be given to the federal government, it exists nowhere. The inference, then, seems irresistible and conclusive, that such power is vested in Congress, and that its limitations are to be found in those provisions of the Constitution which forbid alliances between states, or, in other words,

\* “At a subsequent period of the proceedings of the Convention, a delegate offered a resolution declaring the necessity of amendment to the Constitution, to enable Congress to make appropriations for ‘internal improvements;’ and stated that it was taken from the same message of General Jackson, in relation to the Maysville Road, which has already been quoted from by Mr. Spencer. To which Mr. Spencer replied that the message referred to was the veto of a bill making appropriations for a *local turnpike*, and that it was in reference to *such* internal improvements that General Jackson deemed an amendment to the Constitution necessary, but that his suggestion was not intended to apply to appropriations for objects connected with commerce among the states.

“In further illustration of the point of difference, it is proper to observe, that in his message of December, 1830, General Jackson states explicitly that he should not withhold his assent to bills making direct appropriations for light-houses, beacons, piers, &c., upon navigable rivers and harbors within collection districts established by Congress, and where, of course, ports of entry would be located. The existence of a collection district, established in good faith, would be evidence of foreign commerce, or commerce among the states, being carried on from the ports of such district, so that vessels would be registered, or enrolled, and licensed there. And thus it will be seen that his idea of the meaning of the power to regulate commerce among the states was really the same with that maintained in the remarks of Mr. Spencer, and in the propositions of the Convention.”



that where all authority on the given subject is denied to the states, by denying to them the modes of action essential to its exercise, or where no one state has the requisite jurisdiction over the locality, or over the incidents essential to the contemplated improvement, then it results, of necessity, that the authority must be exercised by the general government. Again, as expressed in the second proposition reported by the committee, wherever the expense of the undertaking ought to be equitably borne by two or more states, it would be fairly within the scope of the power given to Congress. Still, the contemplated undertaking should be such as to form a link in the chain of communication between two or more states. Every improvement or facility to commerce must necessarily be local: a light-house or a pier must be at some place, and that place must be within some state or territory. Its locality in itself does not necessarily determine its purpose; that is to be ascertained from the circumstances of its position in reference to communications between and among different states. And a sound judgment, aided by common honesty, will encounter no greater difficulties in determining upon the facts of the case, what is the fair and legitimate purpose of the proposed improvement, than such as must be met in legislating upon any subject within the competency of Congress; and, being thus eminently and peculiarly a question of fact, its determination appropriately belongs to the legislative department of the government, which possesses the means of ascertaining the facts. But, in truth, the disputes respecting the extent and limitation of this power have been theoretical rather than practical, and have arisen from dealing more with words than with things. Let it be our object to bring the discussion back to the few elementary principles and the plain facts upon which alone it should be considered.

“There are some collateral facts and considerations to strengthen and confirm the conclusion that the power to ‘regulate commerce among the states’ authorizes appropriations for the improvement of harbors and the navigation of rivers in the interior, when such improvements fall within the limitations already mentioned. One of these is the fact that the federal government has established light-houses at various points on the lakes and at the mouths of rivers emptying into them,

and that this has been done without a murmur of objection from any quarter, in or out of Congress, of any want of constitutional authority. This authority can be derived only from the power to regulate commerce, for there is no other that has any connection whatever with the subject. The authority to exercise exclusive legislation over places ceded by the states for forts, magazines, and other needful buildings, is not an authority to erect such buildings, but proceeds on the assumption that such authority already existed. It therefore gives no power for the building of light-houses; but it does contain a most important implication, namely, that Congress may authorize the erection of forts, magazines, and other needful buildings, although no explicit power for that purpose is to be found in the Constitution. The practice of the government from its foundation, 'without interruption or dispute,' under the power 'to dispose of and make all needful rules and regulations respecting the territory and other property of the United States,' has a conclusive bearing upon the question. Under this power money and land have been appropriated to construct roads, clear out rivers, connect streams, and in various ways to improve communications through the territories; and one of the latest acts of the kind appropriates land to the amount of \$700,000 to connect the Wisconsin and the Fox Rivers. Now it is very true that the federal government, as a great land proprietor, is bound to enhance the value of its own property by improvements, and it would be monstrous if it did not possess the power. Still we are bound to inquire, In what part of the Constitution is such power found? It is to be found only in the clause quoted, 'to make needful rules and regulations;' for a grant of money from the treasury for such purposes can not, without violence to all reasonable construction, be considered an act under the power 'to dispose of' the territory or other property.

"Another consideration in favor of the construction for which we contend, arises from the acts of the federal government in extending its jurisdiction, for other than revenue purposes, over the interior rivers and lakes. I have never heard a doubt expressed, and certainly none was intimated in Congress, of the constitutionality of the act of 1838 to provide for the security of the lives of passengers on board of vessels propelled by steam.

By this act, steam vessels navigating the sea, or the lakes Champlain, Ontario, Erie, Huron, Superior, and Michigan, which are specifically named, or any bays, lakes, rivers, or other navigable streams of the United States, are required to be inspected by officers appointed under the authority of the United States, and to take out licenses from them, and are subject to forfeiture and heavy penalties for violating the provisions of the law. No one will doubt the wisdom, nay, the absolute necessity for such a law, a necessity arising not only from the ignorance and recklessness of those having charge of steam vessels, but a still stronger necessity that such a law should be passed by the federal government, and enforced by its tribunals, arising from the utter inability of the states separately to regulate the subject. And here is a remarkable instance and proof of the extent which must be given to the power 'to regulate commerce among the states,' in order that the general government may fulfill the duties and perform the functions for which it was created.

"A similar instance is furnished by the more recent act of 1845, giving jurisdiction to the district courts of the United States in matters of contract and tort, 'arising in, or upon, or concerning steam-boats and other vessels of twenty tons burden and upward, enrolled and licensed for the coasting trade, and at the time employed in business of navigation and commerce between ports and places in different states and territories, upon the lakes and navigable waters connecting such lakes.' Here is a description of commerce among the states essentially like that for which we contend, and here is an assertion of the authority of the United States to exercise admiralty and maritime jurisdiction over that commerce. The difficulties and embarrassments experienced by the United States courts in enforcing contracts, and punishing wrongs and trespasses made or committed in the cases described, are familiar to professional men; and it is equally well known that the state courts were totally inadequate to afford any remedy in that class of cases. And this law may also be cited as a most happy illustration of the extent of the meaning of the power under which it was enacted, of regulating commerce among the states.

"There are other instances of the exercise of similar jurisdiction, particularly the laws requiring hospital money from mariners navigating the lakes and interior rivers, but it is not deemed necessary to dwell on them.

“Here, then, we take a position which we believe to be impregnable. By these acts, the absolute necessity of which is undeniable, the federal government has asserted, and rightfully maintained, its jurisdiction over that ‘commerce among the states’ which we contend is within the grant of the power of Congress. This jurisdiction has been actually exercised by its courts, without question or dispute, and no one has had the hardihood to question the constitutionality of these laws.

“If, then, Congress may thus regulate commerce among the states in these various modes, by what authority and under what pretext shall its power be circumscribed to these modes, and prevented from operating in any other mode of regulating the same commerce? Those who would maintain such a limitation of the power of Congress must be driven to the point of denying the constitutionality of the laws quoted, and thus rendering our whole form of government ‘a mockery, a delusion.’ And to the federal government have we not a right to say, you have gone too far in regulating commerce among the states to recede from your position, or to justify you in refusing to advance in the same line, as far as the exigencies of the subject and the paramount interests of the people require. You are precluded by your own acts. You have acknowledged this commerce among the states to be a national subject: you have ‘regulated’ it as such in various modes, and, to be consistent, you must proceed in your regulation to afford the necessary facilities to that commerce, or you must renounce the jurisdiction you have assumed, and leave the citizens of the United States in a worse condition than that in which they were at the adoption of the Constitution.

“Here, then, I rest the argument in favor of the power of Congress to regulate our internal commerce by granting it facilities to the full extent already indicated. Such a power is absolutely necessary to the well-being of any people: it is not possessed by the states; it ought to be vested in the federal government; the framers of the Constitution intended so to vest it; the government itself has received and exercised it with the sanction of the whole people, in a manner that defines its extent; and the whole legislation of Congress upon the most important rights and interests of the citizens must be overturned, and the direst anarchy and confusion must ensue, if the principle be abandoned.



“But I am not disposed to leave our adversaries in possession of ground which they have appropriated to themselves, as I believe, unwarrantably. They vindicate the appropriations made for the improvement of harbors and rivers on the Atlantic coast, on the ground that it is legitimately within the power to regulate commerce with foreign nations, because such commerce is national, and they deny this character to commerce among the states. But we maintain that whatever subject is within the jurisdiction of the federal government, is, by the very fact, national; that the union of the states is national, not only in its relations to foreign countries, but equally so in its relations to the several states; and it would by no means follow that a subject ceased to be national by its want of connection with our foreign commerce. The conclusion does not flow from the premises; but the premises are unsound. Foreign commerce consists of two parts, imports and exports, and, *ex vi termini*, exports not only constitute a portion of foreign commerce, but are the elements by which alone it can be conducted.

“Upon what principle will you stop short in the protection of foreign commerce—at the wharf at which your exports are put on board a ship bound to a foreign port? Is not that cargo as much an export while it is descending a navigable stream to reach the wharf as it is when it arrives there? and if the same cargo is obliged to be transported over our great lakes, to be carried to its destined wharf, is it therefore any less an export? and does it lose its character by being transmitted down a river emptying into a lake for the same purpose?

“Again: when does an importation from abroad lose its character of an import in a commercial sense? Is the hogshead of molasses, or the bale of woollens, any less an import at Cleveland, where it is broken up and retailed, than it was at New York, where it was entered at the custom-house?

“The truth is, internal trade is but the extension of foreign import, distributing its freights. And it is also the beginning of our foreign exports; and, practically, they are one and the same, and any discrimination in the protection of the government to one in exclusion of the other, is as absurd as would be a law to protect the body by cutting off all nourishment; and a dispute between them would be equal in point of reasonableness to a quarrel between the arm and the hand.



"Our simple, plain, and precise ground therefore is, that the same considerations which justify and require appropriations for facilitating foreign commerce, are equally applicable to internal trade, embraced in the term 'commerce among the states.'

"The propositions submitted by the committee state that there are peculiar dangers in the navigation of the lakes from the want of harbors, and of many of our rivers from snags and other obstructions. To such an audience, and at such a place as this, it would be a mere waste of time to dwell on these dangers. But as these remarks may reach others not so well informed, allow me to make some brief quotations from a report of the brave, gallant, and lamented Captain Williams, who fell so nobly at the taking of Monterey, made by him in 1842 to the chief of the Topographical Bureau :

"'Chicago,' he says, 'is the only harbor on that lake (Michigan), the shores of which comprise a development of coast of about nine hundred miles. Milwaukee affords no shelter for vessels during a storm, and even in calm weather it is difficult of access. At the mouth of Kalamazoo River a large ship (the Milwaukee) was driven from its moorings, where it was taking in a cargo of wheat, and wrecked in the vicinity, with the loss of nine of her crew. Thus, from the time a vessel leaves Chicago, she has no place of shelter until she reaches the northern outlet of the lake at the Straits of Mackinac, or by taking refuge under the lee of the islands at the northern part of the lake. After passing the Straits of Mackinac, proceeding eastward, we enter Lake Huron, which extends two hundred and twenty miles in a southwesterly direction, yet upon the whole coast there is not a single harbor construction effected.'

"We all know the difficulties of the flats in the St. Clair River which so seriously impede navigation, and which can be so easily made navigable.

"From the head of Lake Erie to Buffalo, a distance of three hundred and thirty miles, there is but one place of security for vessels during a gale, and that is at Erie, where they may lie under the lee of the islands. All here know that vessels, during storms, have been driven back to this place for the whole distance from Buffalo, in consequence of the hazards of entering the nominal harbors on this lake.

"Captain Williams remarks that there is greater danger in

navigating the lakes than the ocean, because ‘upon the lakes there is at all times a dangerous proximity of coast, upon which vessels are liable to be thrown in a long-continued gale, while on the ocean there is room to drift until the storm be over.’ The only remedy is obviously harbors with spacious entrances.

“Not having accurate information of the details, I can only allude in general terms to the immense losses of vessels and property, and the destruction of human life, which annually occur, particularly during the latter part of the season of navigation. I have heard it estimated that the value of property thus lost, in five years, would improve all the harbors on the lakes to the necessary extent. This is, in itself, sufficiently afflicting; but what shall we say of that neglect which consigns to watery graves the gallant sailors whose exposure to accidents is always so great and imminent? I will not trust myself to speak on this point, for fear that I may forget the decorum due the occasion. But I commend it to the consideration of all who have human sympathies.

“The danger of the navigation of the Mississippi and its tributaries are so notorious and so appalling, that I need but thus briefly allude to them.

“The consideration of these dangers in the navigation of the lakes leads to the mention of another and undoubted source of power in the federal government to provide harbors of shelter on these lakes. No one can say how soon the elements of discord may convert into belligerents the nation whose citizens and subjects reside on the different sides of those great waters; and when the shock of arms comes, as many suppose it must come, the contest there must be carried on by ships and steamers. How can that contest be urged without harbors for the shelter of our navy? It is not necessary to suppose that the stars and stripes may be pursued by superior force, but it is indispensable that the vessels which bear them aloft should have places of rendezvous, and refitting, and refuge against gales and storms. The harbors required for such a purpose can not be constructed in a day; and when the time arrives for their use, it will be too late to prepare them. Does not ordinary prudence require that the power to maintain a navy should be promptly exerted in view of possible events, and especially when the interests of commerce so imperiously demand their immediate construction?

"The amount of the trade carried on upon the lakes west of Buffalo has been the subject of some inquiry by Colonel Abert, the distinguished and very able chief of the Topographical Corps, in pursuance of a suggestion which I made to him when we were officially connected. In his last report on the subject, made November 1, 1845, he estimates, from returns made to him, that the import and export trade of the various ports on the lakes was \$100,000,000. This estimate does not include Lake Ontario nor Lake Champlain.

"The President of the United States, in his message of December, 1846, states the value of all the exports of the United States at \$102,141,893.

"It is by such comparisons only that we can form an idea of the vast amount of this portion of our internal commerce. Is it not an interest demanding, in tones which can not be disregarded, the equal and just protection of the government?

"From a very able statistical report furnished us by the delegates from Missouri, we learn that the amount of cargoes received at New Orleans in 1846 from the upper country, transported on the Western rivers, was \$77,193,464, and that the number of steamboats running upon the Western rivers during the same year was 1190, whose aggregate value was more than \$16,000,000.

"These statistics, imperfect as they necessarily must be, give us some idea of the mighty torrent of trade which is rushing from the fertile and boundless West to satisfy the wants of man, and to exchange for the products of other climes.

"Can any one be so infatuated as to suppose that this vast rolling volume can be impeded by the mere caprice and whims of visionaries, who seem to be reading the stars while the world is running past them?

"One of the propositions reported complains of the disproportion between the appropriations made to improve the facilities of commerce in the harbors, rivers, and bays of the Atlantic coast, and those made for similar purposes on the interior lakes and rivers.

"A report of Colonel Abert, made to Congress in December last, of all the appropriations made since 1806 for roads and the improvement of harbors and rivers, shows an aggregate of \$17,199,000, of which \$2,861,964 were for the harbors of the

lakes and the improvement of the rivers at the Northwest—about one sixth of the whole. It is needless to speak of the gross inequality of this apportionment of common funds to those who know the vast and teeming population which is occupied or interested in the navigation of the Western lakes and rivers.

“You were doubtless surprised at one of the propositions reported, which contains such an obvious truth that it scarcely required to be stated. It is that which declares our inability to distinguish between a harbor for shelter and one for commerce. This is introduced to meet an idea of Mr. Calhoun in his report to the Senate of the United States on the memorial of the Memphis Convention, in which he admits the constitutional power of Congress to appropriate money for a harbor for shelter, but denies its power to aid a harbor for commerce. It is impossible here to give you the process of reasoning by which he arrives at this result. It is one of the instances in which a brilliant genius has made captive all common sense. A habit of theoretic speculation, indulged until it has obtained the mastery of all other faculties, has rendered this gentleman, who, with all his errors, is one of the jewels of the nation, so impracticable as a statesman and a legislator. The committee propose to meet his speculation with a plain matter of fact, for which they appeal to the common sense and ordinary observation of all men.

“Another idea of Mr. Calhoun’s, contained in the same report, seems also, to the committee, to demand some notice. It is, that with the assent of Congress a law may be passed by one state, or by two states, imposing a tonnage duty on vessels arriving at or departing from a port or harbor for its construction or improvement.

“Observing merely in passing that it is difficult to perceive how a tonnage duty can be levied on vessels to raise the means of constructing harbors before there is any harbor or any vessels entering it, the committee have deemed it best to meet the idea by showing its injustice. We claim that the common funds of the nation, being contributed by all the people and belonging to them, and the proceeds of the sales of the public lands, are held in trust for the equal and common benefit of all. And maintaining, as we do, not only the power, but the duty of the federal government to apply these funds in a just and fair proportion to the improvement of interior rivers and harbors, we

hold that we can not be called upon to put our hands in our pockets, and, by the addition of special burdens upon ourselves, perform the work of the government, so long as it has our common resources in its hands. If we are compelled to contribute our private means to a public, general, and national purpose, we shall find other means of doing so than by laying burdens on a trade already sufficiently discouraged by the neglect of those whose duty it is to cherish and foster it; and we submit the proposition simply that such a special burden would be unjust and oppressive.

“The propositions before you have been drawn and presented in the spirit of harmony, with the desire of exhibiting plain and practical principles as a common ground on which all may conscientiously and consistently unite. They are broad enough to cover the ground necessary to attain the objects for which we have assembled, and are yet so limited, by carefully abstaining from any other terms than those employed in the Constitution itself, as not to give color to vague and indefinite construction. The entire unanimity with which they have been reported by the most numerous committee yet appointed by this Convention, furnishes in itself strong evidence that they are adapted to our case, and have taken positions which will meet the united and cordial assent of this vast assembly.”

At the last session of Congress, the President's message of the 15th December, 1847, the memorial of the Chicago Convention, with sundry other memorials, and the bill of Mr. Rhett concerning tonnage duties, were referred to the Committee on Commerce of the House of Representatives.

On the 23d of June, 1848, the committee, through its chairman, Mr. Washington Hunt, submitted a report, which was regarded as a luminous and masterly exposition of the whole subject matter.

After adverting to the intimate connection that exists between our foreign and internal trade, and the general prosperity of the country—to the necessity of convenient and capacious harbors, and channels free from impediment, the report says:

“That the power to protect and facilitate commerce by opening harbors and rivers must reside either in the states or in the federal government, is equally apparent. It is obvious that the detached efforts of separate states or of individuals to cre-



ate and maintain harbors, and remove obstructions from the great channels of communication, are and ever must be inadequate to the exigencies of the subject. That the powers of Congress, under the authority conferred by the Constitution, 'to regulate commerce with foreign nations and among the states,' are complete and ample for this purpose, and that high considerations of duty and expediency demand the exercise of these powers, is regarded by the committee as a proposition susceptible of clear and conclusive demonstration."

As illustrating the opinion of the country on this point, the report refers to the recent expression of public sentiment at the Chicago Convention; to the report of that committee, which the committee regard as fully vindicating and putting at rest the question of constitutional power; to the proposed scheme of the President for improving rivers and harbors by means of tonnage duties to be collected and expended by the states, with the consent of Congress, on which point it says:

"Such a system is believed to conflict with the true theory and intent of the Constitution. It would violate the ordinance of 1787, by which latter the Mississippi and its tributaries are declared common highways, free to all the states; it would revive some of the worst evils experienced under the Articles of Confederation, which our present Constitution was designed to remedy; it would give to the principal commercial ports an enormous and undue advantage, while intermediate harbors, equally necessary for the security of shipping and the navigation of our inland rivers, would derive from it no adequate aid or benefit."

The report then proceeds to state some general facts and considerations touching the rapid growth and importance of our commercial interests.

It adverts to the nature of the impediments which obstruct, and the dangers which attend navigation both on the sea-board, the lakes, and the Western rivers, and to the loss of life and property which annually result from them, and says:

"Complete and adequate protection can be given only through the agency of a general system, national in its character, comprehending the whole Union and its entire navigation. It must be broad and pervading, embracing every section, and reaching every channel of national commerce. By the adoption of a na-

tional plan, resting upon sound and enlightened principles, every portion of the Union will derive its equitable share of the common benefit, and no part will have reason to complain of injustice or inequality. Such a system will insure that free commercial intercourse between the states which was a leading object of the federal Constitution. The objections to a national or general system are conclusively met in the Chicago memorial." [See title, CHICAGO CONVENTION.]

The committee then proceed to remark :

"Our past legislation furnishes satisfactory evidence of the force and steadiness of public opinion in favor of a liberal system of appropriations for these improvements. Every Congress, for more than twenty years, has passed bills appropriating money to improve the navigation of rivers and harbors. During Mr. Van Buren's administration, and the early part of Mr. Tyler's term, the sums voted by Congress were greatly reduced, on account of the embarrassed condition of the treasury, and many of the public works were altogether abandoned. At the first session of the twenty-eighth Congress (in 1841), two bills were passed, one appropriating money mainly for the improvement of the Atlantic harbors, the other for the Western lakes and rivers. By some incomprehensible process of abstraction, the President (Mr. Tyler) thought it his duty to approve the latter, and to arrest the former by an exercise of the veto power. At the next session of the same Congress, provision was made in one bill for the improvement of harbors on the seaboard and the lakes, and the removal of obstructions in the Western rivers. The President withheld his assent, and this bill failed to become a law.

It was confidently hoped that, with a change of administration, the barriers interposed to the will of Congress and the people by the executive branch of the government would disappear. We had a right to presume that the new president would at least yield his sanction to the completion of improvements which had been commenced by his predecessors, Jackson and Van Buren. Entertaining this confidence in the patriotism and good judgment of the President, Congress, at its first session after the accession of the present incumbent (in July, 1846), passed a bill, by decisive majorities, making appropriations for the improvement of the Atlantic and lake har-

bors, and the removal of obstructions from the Western rivers."

The report passes on to a brief exposition of the bill, and says :

"It will be perceived that Congress proposed only to perfect and preserve what had been commenced under former administrations. So far from entering upon new objects of doubtful expediency, or seeking to embark 'the federal government in a general system of internal improvements,' the bill confines itself mainly to objects which had received the repeated sanction of Congress and the executive. It is not the least remarkable feature of the President's message that he endeavors, with ingenious assiduity, to justify his refusal to sign the bill by covering himself, 'as with a garment,' under the great name of General Jackson. The example of that distinguished man is presented as of conclusive force and authority. He is repeatedly referred to as having checked and arrested the system of improvements by the general government by the exercise of the veto power in several instances, to which special allusion is made.

"The President evidently considered it an unnecessary exercise of candor to mention the fact that General Jackson had approved and signed bills for nearly every object contained in the bill under consideration ; that a majority of them were commenced by him ; and that he expended upon them, during the eight years of his administration, the sum of \$1,479,253 81. Such a disclosure would have shown that the President, instead of following, has reversed the policy of his favorite predecessor ; that he rejects the example which he affects to emulate, and contemns the authority which he professes to revere.

"It is true that President Jackson, on several occasions, refused his assent to appropriations for undertakings which he considered essentially local in their character. Whether he exercised a sound discrimination, in all cases, between objects of mere sectional interest and those of national importance, becomes an immaterial inquiry in connection with the works provided for in the present bill, to which he had given his sanction. The records of his administration prove incontestably that he regarded the harbors on the sea-board and the lakes, and all the rivers embraced in this bill, as national objects, coming

within the constitutional competency of Congress, and demanding appropriations for their improvement."

The report then examines and controverts the historical accuracy of certain positions in the message, as to which we have laid before the reader the means of forming correct conclusions for himself. It cites the passage [see page 272] against the expenditure of the public money to improve rivers and harbors, because of the great extent of the republic, and on this passage it remarks:

"If we concede the force of this reasoning, we must also admit that it has been fortified by the addition of ten degrees to our possessions on the Pacific coast since the date of the message. But the committee are hardly prepared to admit the doctrine that the powers or obligations of government, concerning the regulation of commerce and navigation, are in any degree impaired by the expansion of our national limits. On the contrary, it is conceived that the vast extent of our navigable waters, and the relative augmentation of our commerce, impose commensurate duties upon Congress. The responsibility of government is rather increased than lessened by the growing importance and magnitude of the subject. If appropriations in furtherance of navigation are to be abandoned or diminished by reason of our geographical extension, it follows that every new accession of territory brings weakness instead of strength, and the protection of what we have is inconsistent with further acquisitions. Unless the capacity of the government is equal to its territorial expanse, it results that the nation is too large for the Constitution, and the agency of the federal power must fail to accomplish the great ends of its creation. The argument of the President on this point is hardly consistent with the known fact that every addition of territory heretofore acquired has been sought mainly, or at least ostensibly, with a view to commercial advantages. Louisiana was purchased, at a cost of fifteen millions, to secure the free navigation of the Mississippi. Florida was obtained at great cost, because its possession was deemed necessary to the protection of our commerce on the Gulf. We have waged a bloody war, and finally stipulated by treaty to pay many millions of purchase money, to secure the ports of California on the Pacific.

"After paying such enormous sums to obtain the command

of these great highways of commerce, is it rational to contend that Congress has no power to make them available by removing the impediments which obstruct their navigation?

“Is it constitutional and wise to exhaust millions in the removal of political restraints, if the government be really incompetent to touch those natural obstacles which are far more fatal to freedom and security of trade? Is the government supreme in its power to acquire, and yet impotent to improve; all powerful to purchase or annex ports and rivers, and devoid of faculty to clear them out and make them accessible to shipping? The executive recently offered Mexico five millions of dollars for a right of way across the Isthmus of Tehuantepec. Without discussing the expediency of offering so large a sum for the privilege of opening a commercial communication through a foreign country, while we refuse a single million to improve the commercial channels within our limits, it may be well to inquire if the President seriously intended to pay five millions for a right of way which the government has no constitutional capacity to execute? Perhaps it would be difficult to present a more complete illustration of the fallacy of this branch of the President’s argument. The committee are unable to resist the conclusion that, while government is expending the public resources in exploring the Dead Sea, and acquiring distant ports and possessions, it would be equally judicious to give some protection to our navigating interests at home.

“Mr. Jefferson did not conceive that the federal authority over the waters of Louisiana was exhausted in the act of acquisition. Whatever doubts he may have felt as to the constitutional power of the government to annex foreign territory to the Union, it is evident that he entertained none as to the power and duty of Congress to adopt measures for insuring the safety of navigation in our newly-acquired bays and harbors. One of the first acts of Congress, after the annexation of Louisiana, was to direct a survey of the coast from the mouth of the Mississippi westward.

“Full and comprehensive instructions were issued by the Secretary of the Treasury, May 15, 1806, to carry this act of Congress into effect. Among other things, he directs the government agent to examine and report ‘the places in which the erection of light-houses, beacons, or floating buoys would be use-



ful, connected with the bearings of distinguishable objects on the coast or islands, and with any other observations *tending to render the navigation safer and more easy.* At that day the trade of the Mississippi was conveyed by boats of light burden, and the necessity for removing snags and similar obstructions had scarcely been experienced.

“The President assumes that ‘objects of improvement, of the nature of those embraced in this bill, are inexhaustible,’ and that ‘in all this vast country, bordering on the Atlantic and Pacific, there are many thousands of bays, inlets, and rivers equally entitled to appropriations.’

“It hardly needs an argument to show that these extravagant apprehensions can exist only in an excited imagination. Having no foundation in reality, they will not bear the test of sober scrutiny. A candid examination of the subject will satisfy every mind that, instead of ‘many thousands,’ there are not, and never will be, many hundreds of such objects requiring appropriations from Congress.

“The whole number of improvements, including breakwaters, rivers, and harbors, on the sea-coast and the lakes, for which appropriations have been made, is one hundred and five. (See Colonel Abert’s report.) It is not believed that a larger number of new objects, including our new possessions on the Gulf and the Pacific, will require government aid at any future period. But we are willing to assume that, in the progress of time, the growth and exigencies of commerce may demand appropriations for even twice that number of improvements. Upon this basis of calculation, it would follow that three hundred and fifteen commercial works of the character referred to, including those already begun, may sooner or later demand the attention of government. Be the number more or less, the committee believe that the means of the government will be always ample, without embarrassment to the treasury, to complete and sustain such improvements as the safety and convenience of navigation may require throughout all future time.

“If we possess an extended coast, we have a vast and lucrative commerce: if our harbors are numerous, we have a multitude of ships which bring tribute to the national coffers: if we have many broad rivers, penetrating the interior of a vast continent, they convey the rich and varied products of many mill-

ions of people, and serve as the arteries of that trade, foreign and domestic, from which the government derives its sustenance and support. A country possessing such unrivaled resources and advantages, boasting a commerce so magnificent, and a chain of navigable waters almost boundless in extent, can afford to clear its rivers from snags and furnish safe harbors for shipping. Whatever additional expenditures may be demanded by the necessities of an expanding commerce, will be more than compensated by the consequent increase of revenue."

Speaking of tonnage duties, the committee say:

"After referring to the experience of several of the states which have gone beyond their means in making internal improvements as 'full of eloquent warnings,' the President maintains that it properly belongs to the states to make such expenditures as may be necessary for the improvement of the navigation within their limits. Evidently aware of the inability of the states to accomplish for the whole country what they have proved incompetent to perform for themselves, he proposes an extraordinary process to create the necessary resource for that purpose. Congress is advised to give its consent, in advance and in general terms, to such duties of tonnage as the states may choose to levy for the improvement of harbors and rivers. The utter futility and impracticability of this plan are so clearly exposed in the Chicago memorial, that it seems unnecessary for the committee to enlarge upon that branch of the subject.

"The states have surrendered to the federal government complete and entire control over commerce. Having yielded all power over the subject, including the right of taxation, which they previously exercised, to impose upon them one of the principal burdens of supporting navigation would be alike unjust and suicidal; more than all, it is eminently impracticable.

"While the general government enjoys all the advantages to be derived from the taxation of commerce, let it bear the burdens incident to its protection. The ocean, the lakes, and the great rivers are under the exclusive maritime jurisdiction of the United States; the commerce which floats upon them is national commerce; and every bar which forbids access to their harbors, or impedes their navigation, impairs the general prosperity, and retards our national progress. Convenient access to

the harbor of Cleveland, for example, is necessary to the commerce of every state bordering on the great lakes; the removal of a snag within Arkansas or Missouri concerns every state watered by the Mississippi or its tributaries; while the *over-slaugh* in the Hudson is a hinderance to the trade of the entire North and West. The subject is important to the nation at large in another obvious point of view. Large amounts of government funds and property are annually transported upon the Western waters. It has been estimated that the value of government property at risk, annually, on the Mississippi and its tributaries, is equal to \$4,794,858. The insurance of this amount, at the lowest rate at which steam-boat hulls are insured, would be sufficient to remove the snags which impede and endanger the navigation of those channels. This direct interest of the government is materially increased in time of war. It is but necessary to refer to the large number of troops, and the immense amount of army supplies conveyed by the Western rivers during the war with Mexico. Several steam-boats were snagged on the way, involving the government in a large loss of property.\*

“Other considerations are not wanting to show the importance, in a national sense, of providing for the facility and security of navigation. The heaviest and most valuable of the mails of the United States are transported by steam vessels along the Atlantic coast, the lakes, and the rivers. Convenient harbors and clear channels are indispensable to speed and safety of transmission.

“It may not be considered strictly within the province of the committee to urge the importance of this subject in connection with our system of national defense. It would not be difficult to show that secure and convenient harbors, and capacious roadsteads for our naval vessels, are as essential to the strength and security of the country in war as to its prosperity in peace.

“This view of the subject derives additional force from the fact that a large proportion of the entire national revenue is expended upon objects of a military character. The ordinary appropriations for the support of the army and navy as a peace

\* “The attention of the committee has been specially called to the difficulty experienced by government transports and other shipping, in consequence of the neglect of Congress to maintain the dam at Cumberland Island, in the Ohio River, constructed under the administration of General Jackson.”

establishment have ranged from twelve to sixteen millions per annum. Indeed, it is estimated that the proportion of the national treasure applied to war purposes in time of peace is equal to seventy-five per cent. of the whole federal expenditure. If we concede that the energies and resources of the government are to be mainly applied in support of a system of national defense, it becomes proper for Congress and the country to consider whether a large share of the common funds shall not be devoted to objects which, while they strengthen our national position in respect to war, will at the same time facilitate the pursuits of industry, the arts of peace, and insure the nobler triumphs of commerce, of civilization, and national prosperity."

The report reviews and answers other objections raised by the President, among them the imputation of a mercenary spirit in respect to such appropriations [see page 113], and concludes by offering for the consideration of the House certain resolutions.

The first resolution was in the following words:

*"Resolved*, That the Constitution of the United States vests in Congress the power to appropriate money to open and improve harbors, and remove obstructions from navigable rivers, in all cases where such improvements are necessary to the protection and facility of commerce with foreign nations or the commerce among the states."

And was adopted by the following vote:

Yeas: Messrs. Abbott, Adams, Ashmun, Barringer, Barrow, Belcher, Bingham, Birdsall, Blanchard, Botts, Bowlin, Baydon, Brady, Buckner, Butler, Canby, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dixon, Duer, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Gentry, Giddings, Goggin, Gott, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Irvin, Jenkins, Robert W. Johnson, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Leffler, Lincoln, Lynde, Maclay, McClelland, McIlvaine, Job Mann, Horace Mann, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Peck, Pendleton, Petrie, Peyton, Pollock, Preston, Putnam, Reynolds, Richardson, Julius Rockwell, John A. Rockwell, Roman, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Robert Smith, Truman Smith, Stanton, Starkweather, Stephens, Charles E. Stuart, Tallmadge, Taylor, Thibodeaux, James Thompson, Richard W. Thompson, John B. Thompson, William Thompson, Thurston, Turner, Van Dyke, Vinton, Warren, Wentworth, White, and Wilson—128.

Nays: Messrs. Atkinson, Bayly, Beale, Bedinger, Bowdon, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Dickinson, Farn,



Featherston, Ficklin, Fries, Green, Willard P. Hall, Hammons, Haralson, Har-  
manson, Harris, Hill, George S. Houston, Iverson, Jameson, Andrew Johnson,  
James H. Johnson, George W. Jones, Kennon, Lord, Lumpkin, McClernand,  
McDowell, McKay, Miller, Peaslee, Phelps, Pillsbury, Rhett, Richey, Sawyer,  
Simpson, Sims, Smart, Thomas, Jacob Thompson, Robert A. Thompson, Venable,  
Wallace, Wick, Wiley, Williams, and Woodward—59.

The second resolution was in the words following :

*Resolved*, That the interests of our national commerce, the  
common defense and general welfare of the United States, re-  
quire a judicious exercise of the foregoing power."

And was adopted on the 11th of July by the following vote :

Yeas: Messrs. Abbott, Barringer, Bingham, Birdsall, Blanchard, John M. Botts,  
Bowlin, Boydon, Brady, Canby, Chapman, Clingman, Coker, Collamer, Collins,  
Conger, Crauston, Crisfield, Crowell, Crozier, Darling, Dickey, Dickinson, Dixon,  
Donnell, Garnett Duncan, Dunn, Embree, Alexander Evans, Nathan Evans, Farrel-  
ly, Fisher, Flournoy, Freedley, French, Fulton, Gentry, Giddings, Goggin, Gott,  
Gregory, Grinnell, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell,  
Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Charles J.  
Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Kellogg, Thomas But-  
ler King, Daniel P. King, William T. Lawrence, Sidney Lawrence, Levin, Lincoln,  
Lynde, Maclay, McClelland, Job Mann, Marsh, Marvin, Morehead, Morris, McEl-  
lin, Nelson, Nes, Newall, Nicoll, Outlaw, Palfrey, Peck, Pendleton, Petrie, Pey-  
ton, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root,  
Rumsey, Sawyer, Sherrill, Silvester, Slingerland, Caleb B. Smith, Stanton, Stark-  
weather, Stephens, Charles E. Stuart, Strohm, Talmadge, Taylor, Thibodeaux,  
James Thompson, William Thompson, Thurston, Van Dyke, Vinton, Warren,  
Wentworth, and White—112.

Nays: Messrs. Atkinson, Bayly, Bocoek, Bowdon, Boyd, Brodhead, William G.  
Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, How-  
ell Cobb, Williamson R. W. Cobb, Cummins, Faran, Ficklin, Fries, Green, Willard  
P. Hall, Hammons, Haralson, Harris, Hill, George S. Houston, Andrew Johnson,  
James H. Johnson, George W. Jones, Kaufman, Kennon, Ligon, Lord, Lumpkin,  
McClernand, McKay, McLane, Meade, Miller, Peaslee, Phelps, Pillsbury, Rhett,  
Richey, Simpson, Sims, Smart, Thomas, Robert A. Thompson, Venable, Wallace,  
Wiley, Williams, and Woodward—53.

The third resolution was in the following words :

*Resolved*, That the reasons assigned by the President in  
his veto message of December 15, 1847, for his refusal to ap-  
prove and sign the bill passed March 3, 1847, making appro-  
priations for the improvement of certain harbors and rivers, are  
deemed insufficient and unsatisfactory."

And was adopted by the following vote :

Yeas: Messrs. Abbott, Adams, Blanchard, Botts, Boydon, Brady, Buckner, Ca-  
bell, Canby, Chapman, Clingman, Coker, Collamer, Conger, Crauston, Crisfield,  
Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Garnett Duncan, Dunn,  
Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley,  
Fulton, Gayle, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Nathan K.  
Hall, J. G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Hous-



ton, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Levin, Lincoln, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Pettit, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Strohm, Talmadge, Taylor, Tompkins, Van Dyke, Vinton, Warren, Wentworth, and White—91.

Nays: Messrs. Atkinson, Bayly, Bedinger, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Darling, Featherston, Ficklin, French, Fries, Green, Willard P. Hall, Hammons, Haralson, Harris, Hill, George S. Houston, Inge, Andrew Johnson, James H. Johnson, George W. Jones, Kaufman, Kennon, Lahm, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McKay, McLane, Job Mann, Meade, Miller, Morris, Peaslee, Petrie, Peyton, Phelps, Pilbury, Rhett, Richey, Rockhill, Sawyer, Simpson, Sims, Smart, Thomas, James Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wiley, Williams, and Woodward—71.

The fourth resolution was in the following words [the words "and contrary to the principles of the Constitution," which formed part of the resolution, as originally reported, having, on motion of Mr. W. Hunt, been stricken out]:

*Resolved*, That it would be inexpedient to give the general consent of Congress, in advance of legislation by the states, to the imposition of tonnage duties by the several states as a means of improving the ports and harbors at which such duties may be levied."

And was adopted by the following vote :

Yeas: Messrs. Abbott, Adams, Barringer, Bingham, Birdsall, Blanchard, Bowlin, Boydon, Brady, Buckner, Cabell, Chapman, Clingman, Cocke, Colkner, Collins, Cranston, Crisfield, Crowell, Crozier, Dickey, Dickinson, Dixon, Donnell, Daniel Duncan, Dunn, Edsall, Edwards, Embree, Alex. Evans, Nathan Evans, Farrelly, Fisher, Freedley, French, Fulton, Gaines, Gentry, Giddings, Goggin, Gott, Gregory, Grinnell, Nathan K. Hall, Hammons, James G. Hampton, Moses Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Lahm, William T. Lawrence, Sidney Lawrence, Lincoln, Maclay, McClelland, Horace Mann, Marsh, Marvin, Morehead, Morris, Mullin, Nelson, Nes, Newall, Nicoll, Outlaw, Palfrey, Peck, Pendleton, Pollock, Preston, Putnam, Julius Rockwell, John A. Rockwell, Rose, Root, Rumsey, Schenck, Sherrill, Silvester, Slingerland, Smart, Caleb B. Smith, Truman Smith, Stanton, Stephens, Charles E. Stuart, Strohm, Talmadge, Taylor, John B. Thompson, Wm. Thompson, Thurston, Tompkins, Van Dyke, Vinton, Warren, Wentworth, and White—109.

Nays: Messrs. Atkinson, Bayly, Bedinger, Bocoock, Bowdon, Boyd, Wm. G. Brown, Albert G. Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Featherston, Ficklin, Fries, Haralson, Harris, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Andrew Johnson, James H. Johnson, G. W. Jones, Kaufman, Kennon, Ligon, Lord, Lumpkin, McClelland, McKay, McLane, Job Mann, Meade, Miller, Peaslee, Pettit, Phelps, Pilbury, Rhett, Richardson, Richey, Sawyer, Simpson, Sims, Thomas,

Jas. Thompson, R. A. Thompson, Turner, Venable, Wallace, Wiley, Williams, and Woodward—59.

The fifth resolution merely contemplated the printing of an extra number of the report and accompanying documents.

We will now advert very briefly to one other branch of the subject, that of *tonnage duties*.

A list of acts of this character, to which the assent of Congress has been given, accompanies the President's Message of December 15th, 1847. The titles are as follows:

*Acts of Congress, and of several State Legislatures, authorizing Tonnage Duties.*

1790, Chapter 43.—An Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations.

1791, Chapter 3.—An Act to continue an Act entitled "An Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respect the States of Georgia and Rhode Island and Providence Plantations."

1791, Chapter 5.—An Act declaring the Consent of Congress to a certain Act of the State of Maryland.

1792, Chapter 10.—An Act declaring the Consent of Congress to a certain Act of the State of Maryland, and to continue for a longer Time an Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.

1794, Chapter 61.—An Act declaring the Consent of Congress to an Act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the Appointment of a Health Officer.

1795, Chapter 37.—An Act to continue in force for a limited Time the Acts therein mentioned.

1796, Chapter 23.—An Act to continue in force for a limited Time an Act entitled "An Act declaring the Consent of Congress to an Act of the State of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the Appointment of a Health Officer."

1796, Chapter 26.—An Act declaring the Consent of Congress to a certain Act of the State of Maryland, and to continue an Act declaring the Assent of Congress to certain Acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.

1798, Chapter 22.—An Act declaring the Consent of Congress to an Act of the State of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the Appointment of a Health Officer.

1798, Chapter 21.—An Act declaring the Consent of Congress to an Act of the Commonwealth of Massachusetts.

1800, Chapter 15.—An Act declaring the Assent of Congress to certain Acts of the States of Maryland and Georgia.

1801, Chapter 12.—An Act declaring the Consent of Congress to an Act of the State of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the Appointment of a Health Officer.

1804, Chapter 22.—An Act declaring the Assent of Congress to an Act of the General Assembly of Virginia therein mentioned.

1805, Chapter 19.—An Act to continue in force "An Act declaring the Consent

of Congress to an Act of the State of Maryland, passed on the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the Appointment of a Health Officer.

1806, Chapter 12.—An Act declaring the Consent of Congress to an Act of the State of Pennsylvania, entitled "An Act to empower the Board of Wardens for the Port of Philadelphia to collect a certain Duty on Tonnage for the Purposes therein mentioned."

1806, Chapter 17.—An Act declaring the Consent of Congress to an Act of the State of South Carolina, passed on the twenty-first day of December, in the Year of our Lord one thousand eight hundred and four, so far as the same relates to authorizing the City Council of Charleston to impose and collect a Duty on the Tonnage of Vessels from foreign Ports.

1808, Chapter 47.—An Act to revive and continue in force "An Act declaring the Assent of Congress to certain Acts of the States of Maryland and Georgia."

1809, Chapter 5.—An Act to continue in force "An Act declaring the Assent of Congress to a certain Act of the State of South Carolina, passed the twenty-first day of December, one thousand eight hundred and four."

1811, Chapter 36.—An Act declaring the Consent of Congress to "An Act of the State of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the Fees of the Harbor Master and Health Officer of the Ports of Savannah and St. Mary's."

1813, Chapter 53.—An Act to revive and continue in force "An Act declaring the Consent of Congress to an Act of the State of Georgia, passed the twelfth day of December, one thousand eight hundred and four, establishing the Fees of the Harbor Master and Health Officer of the Ports of Savannah and St. Mary's."

1814, Chapter 60.—An Act to revive and continue in force "An Act declaring the Assent of Congress to certain Acts of the States of Maryland and Georgia."

1816, Chapter 163.—An Act declaring the Consent of Congress to Acts of the State of South Carolina, authorizing the City Council of Charleston to impose and collect a Duty on the Tonnage of Vessels from foreign Ports, and to Acts of the State of Georgia, authorizing the Imposition and Collection of a Duty on the Tonnage of Vessels in the Ports of Savannah and St. Mary's.

1816, Chapter 77.—An Act declaring the Assent of Congress to an Act of the General Assembly of the State of Virginia.

1817, Chapter 959.—An Act for the Relief of sick and disabled American Seamen.

1818, Chapter 36.—An Act declaring the Consent of Congress to an Act of the State of North Carolina, for the Relief of sick and disabled American Seamen.

1822, Chapter 29.—An Act to revive and continue in force "An Act declaring the Assent of Congress to certain Acts of the States of Maryland and Georgia."

1822, Chapter 61.—An Act to continue in force "An Act declaring the Consent of Congress to Acts of the State of South Carolina, authorizing the City Council of Charleston to impose and collect a Duty on Tonnage of Vessels from foreign Ports; and to Acts of the State of Georgia, authorizing the Imposition and Collection of a Duty on Tonnage of Vessels in the Ports of Savannah and St. Mary's."

1824, Chapter 65.—An Act declaring the Assent of Congress to certain Acts of the State of Alabama.

1825, Chapter 20.—An Act declaring the Assent of Congress to an Act of the General Assembly of Virginia therein mentioned.

1828, Chapter 110.—An Act declaring the Assent of Congress to an Act of the State of Alabama.

1828, Chapter 15.—An Act to revive and continue in force "An Act declaring the Assent of Congress to a certain Act of the State of Maryland."

1832, Chapter 197.—An Act giving the Assent of Congress to an Act of the Legislature of North Carolina, entitled "An Act to incorporate a Company entitled 'The Roanoke Inlet Company,' and for other Purposes," and also to an Act amendatory thereof, which passed one thousand eight hundred and twenty-eight.

1838, Chapter 34.—An Act to continue in force an Act therein mentioned, relating to the Port of Baltimore.

1843, Chapter 45.—An Act to continue in force an Act therein mentioned, relating to the Port of Baltimore.

It will be perceived that these acts run through a period commencing in the year 1790, and ending in the year 1843, those in the last twenty-five years numbering only about seven. They comprise the legislation of the states of Massachusetts, Rhode Island, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia. There are also in the list three acts of the State of Alabama, assented to by Congress, which impose, not tonnage duties, but tolls upon specific articles; as, for instance, twenty cents on a bale of cotton; one dollar and fifty cents on a ton of iron; one half cent per cubic foot on lumber, &c. The tonnage duties were levied for various purposes: the improvement of navigation and removal of obstructions therein; the building of piers and light-houses; the support of harbor and health officers, and of sick and disabled seamen, &c. The assent of Congress was given, in most instances, though not in all, for short periods, renewed and extended from time to time, and was given to specific acts for specific purposes. In the few cases where it was given in advance of legislation, as, for example, to certain acts of South Carolina and Georgia, the prospective assent is limited to future acts, having reference to the objects contemplated in the original acts of the states; and in these two instances, even the tonnage duty itself is restricted to a sum not exceeding that designated in such original acts. Congress has also asserted its jurisdiction and authority by requiring the agents of the states to transmit to the Secretary of the Treasury an annual account of the sums collected, and the appropriation of the same to the purposes for which they were designed; and, in another instance, the collector of the port was authorized to collect the duty imposed, and to pay the same over to the person authorized by the state agents to receive it.

Not a single act is found on the list having reference to lake harbors or *Western* rivers; and it appears that these tonnage duties were often mere auxiliaries to the legislation of Congress



—concurrent legislation, so to speak: a fact which appears on the face of some of the acts themselves. For instance: the law of Maryland, “to incorporate a health officer for the port of Baltimore,” distinctly declares it, in the preamble, to be an act “to prevent the ingress of the plague, or other malignant contagious diseases, till proper arrangements and establishments shall be made by Congress in the premises.” So in the case of the law of Pennsylvania, imposing tonnage duties for the removal of obstructions and the erection of piers in the River Delaware, passed April, 1805. Within a month of that very time, as we have elsewhere shown [see page 122], Congress, in the Civil and Diplomatic Appropriation Bill, in addition to a general appropriation for light-houses, beacons, buoys, public piers, &c., appropriated, in a separate item, a sum of something less than six thousand dollars “for erecting public piers in the River Delaware.” The law of the State of North Carolina, imposing a tax, not upon vessels, but upon seamen, “for the relief of sick and disabled seamen,” declares, in the preamble, that “the hospital money collected at the port of Wilmington under the acts of Congress, is insufficient for the purposes designed.”

The attentive reader will not have failed to give due consideration to the facts and arguments embraced in the memorial of the Chicago Convention, in reference to tonnage duties. [See page 326.]

It will, perhaps, be expected, that before taking final leave of this question, we should place the reader in possession of a few facts from which he may form some idea of the extent and value of those great interests involved in its decision. A brief allusion to them will be found in the memorial of the Chicago Convention. [See page 305.] The report of the Committee on Commerce, from which we have made extracts elsewhere, contains the following statements:

“It has been estimated by the Secretary of the Treasury that the annual value of our products exceeded three thousand millions of dollars in 1846. This amount, vast as it is, must continue to increase with incalculable rapidity. It will keep pace with the progress of the country in population, capital, and cultivation. Of this three thousand millions, the proportion exported abroad is less than one hundred and fifty millions of dollars, while it is estimated that at least five hundred millions is annually interchanged between the several states of the Union. The rapid growth of the commerce among the states is without parallel in ancient or modern example. This subject is exhibited in a clear and interesting light in the



report submitted to Congress at the present session by Colonel Abert, the able head of the Topographical Bureau.\* The information embodied in that document was collected and elaborated with much care from authentic sources, and the committee regard it as reliable data. So far as the estimates presented are conjectural, they are believed to rest on prudent calculations, which will be surpassed by actual results.

"It can hardly be necessary to reproduce here the elaborate details already submitted to the consideration of Congress and the country. An attempt of this kind would carry the committee beyond the limits which they have prescribed to themselves on the present occasion. The progress and importance of our internal trade will be made sufficiently manifest by adverting to some of the prominent facts and general conclusions established in the interesting document to which allusion has been made.

"It appears that the registered, enrolled, and licensed tonnage of the lakes, by the official reports of the Treasury Department for the year 1841, was 56,252 tons; and it is shown, by the same authority, that the lake tonnage for the year 1846 amounted to 106,836 tons, being an increase in five years of nearly 100 per cent. The value of this tonnage, including all kinds of craft—steam-boats, propellers, and sailing vessels—is estimated at \$6,000,000. The annual expense for wages, fuel, provisions, &c., is estimated at \$1,750,000. The number of passengers sailing on the lakes in 1846 is stated to have been not less than 250,000. The net moneyed value of the imports and exports transported on the lakes in 1841 is shown to have been \$32,913,011. In 1846 it had grown to \$61,914,910, exclusive of the passenger trade, which is valued at \$1,250,000, from which it appears that the lake commerce had nearly doubled in five years, being an average annual increase of about 17 per cent. We may safely assume that the future increase of the lake trade will be equally rapid and wonderful. Considering the wide extent of territory from which this trade is derived, the productiveness of its soil, the large proportion still unoccupied, the cheapness of the land, and the vigorous character of the population constantly attracted from the older states and from Europe by the advantages presented to industry and enterprise, the committee perceive no reason to doubt the correctness of Colonel Abert's estimate, that 'for the ensuing ten years the increase will be equal to that of the last five.' If this anticipation shall be realized, the lakes will exhibit a commerce in 1857 equal to \$170,545,257, money value.

"The commerce of the Western rivers exhibits results no less striking and conclusive. Thirty years ago, a voyage from St. Louis to New Orleans occupied about twenty-seven days; now it is accomplished in about four days. The whole tonnage was then estimated at 6 or 7000 tons. The official returns of the Treasury Department show that the steam-boat tonnage of the Western rivers in 1842 was 126,278 tons, which had increased in 1846 to 249,055 tons, being an increase of nearly 100 per cent. To this should be added the other kinds of tonnage, which, in the Cincinnati memorial of 1842, is estimated to have been 4000 boats of other kinds, carrying on an average 75 tons, making 300,000 tons.

"It is estimated that the total amount of merchandise (exclusive of the way trade) transported by steam-boats on the Western rivers in the year 1842 was 1,862,780 tons, which had increased in 1846 to 2,810,336 tons. There remains to be added to these enormous sums 600,000 tons for the flat and keel boat navigation.

"The net value of the river commerce in 1842 is estimated to have been \$120,739,354, of which more than one half, or \$70,000,000, is supposed by the Cincinnati memorial to consist of way trade, being the trade which passes from town to town and from state to state throughout the West, independent of what

\* The document here referred to is House Document No. 19, 1848.

are termed exports and imports. It is assumed in the report now under consideration, upon data which are believed to be authentic, that the net money value of the river trade (including passage money) for the year 1846 was equal to \$183,609,725.

"The total cost or value of the steam-boat tonnage and smaller craft employed on the Western rivers is estimated to have amounted, in 1846, to \$12,942,355. The yearly expense of sustaining this craft and keeping it in activity is stated to be \$20,196,242. The number of mariners employed by the shipping on the rivers in 1846 was 25,114, and on the lakes 6972, making an aggregate of 32,086.

"Incredible as these results may appear to those who have failed to turn their attention to the subject, they are believed to rest on facts of unquestionable authenticity. They assume an appearance of probability when we consider the immense extent of the navigable waters of the West, the vast range of territory, and the great number of inhabitants dependent on them for the means of commercial intercourse. The whole steam-boat navigation of the Mississippi and its tributaries is stated at 16,674 miles, of which the particular distances are exhibited in a table furnished by Lieutenant-colonel Long, of the Corps of Topographical Engineers. [See page 144.] The people of fourteen states, or parts of states, composing what is known as the great Valley of the Mississippi, embracing a population of 6,576,027, are dependent upon the Western rivers as a channel or means of communication with a market. The great lakes, Champlain, Ontario, Erie, St. Clair, Huron, Michigan, and Superior, present a line of coast embracing over 5000 miles, of which about 2000 miles constitute the coast of a foreign power. There are eight states bordering upon this mighty chain of waters, whose population, in whole or in part, depend upon the lake navigation as a means of communication with markets. It is estimated that, in 1846, the number of people in those states dependent upon the lakes as their only channel of commercial intercourse was 2,928,925. Thus it will be seen that twenty-two states are connected, in greater or less degree, with those vast inland seas, the lakes and rivers of the West; that the net moneyed value of the commerce of the lakes and Western rivers in 1846 was, in the aggregate, \$246,774,635, and that the aggregate population depending upon the navigation of the lakes and the rivers was 9,504,952. At least one half of the present population of the Union must look to them as the only outlet for their productions; and this numerical population will steadily increase during many future years. The probable progress of population in the lake region and the Mississippi Valley is a subject of profound interest, worthy of the study of every American statesman who would extend his view to the future destiny of his country. This topic is discussed and elucidated with great ability in the report of Colonel Abert, from which most of the foregoing facts have been derived, and the elements of increase upon which his anticipations are based will, it is believed, fully justify his conclusions. The commerce of the Hudson River is intimately identified with the trade of the Western lakes and the Atlantic. Connected with the Western waters by the Erie Canal, it serves as the principal outlet for the productions of the whole lake region, and the commerce of half the states of the Union is interested, in a greater or less degree, in its navigation. When compared to the Mississippi, it appears diminutive in its geographical proportions, but in point of commercial importance it may almost claim rank with 'the father of rivers.' To illustrate the value of the Hudson as one of the main arteries of our internal trade, it is but necessary to state the amount of its commerce for a single year. It appears from the official returns that, in 1847, the amount of property reaching tide-water and descending the Hudson was 1,655,845 tons, of which the money value was (in round numbers) \$70,000,000. The ascending merchandise amounted to 288,000 tons, of which the money value was \$74,753,638, making an

aggregate trade of \$144,753,638: a sum nearly equal to the value of our entire foreign export for the same year.

"There are other rivers of less prominence, yet of great commercial importance, such as the Delaware, the Thames in Connecticut, James River, the Savannah River, &c., which may be viewed as arms of the sea. As valuable channels of national trade, they are strongly entitled to government aid and improvement.

"Having thus briefly glanced at the internal trade of the country, if we turn our attention to that portion of the Union known as the Atlantic slope, we perceive a line of sea-board of vast extent, through whose ports and harbors a door is opened for the admission and egress of our whole foreign commerce. The states bordering on the Atlantic and the Gulf of Mexico comprise, as yet, the larger part of the population of the United States, though the western portion of several of these states are more directly dependent on the navigation of the lakes and rivers than of the ocean. The Atlantic ports may be regarded as intermediate and connecting links between the external and internal trade, and it is proper to consider them in this double connection, in order to realize their true position and importance. The trade carried on from state to state, coastwise, from Maine to our extreme southern border, is far greater in value and tonnage than our entire commerce with foreign nations. This coasting trade forms, in fact, an integral portion of the internal commerce, or commerce among the states, no less than the trade carried on through the lakes and rivers of the interior.

"The magnitude of our foreign commerce and coastwise trade are so familiarly understood and universally acknowledged, it seems unnecessary to enlarge upon their importance by exhibiting statistical details. Our exports to foreign countries in 1847 were \$156,740,883; our imports, \$122,124,319, making an aggregate of \$278,865,232. It is proper to observe that our exports were many millions larger than in any former year, from the operation of extraordinary causes. The statistical returns accompanying the Chicago memorial show a large increase of the internal trade and tonnage in 1847, as compared with 1846, and in a ratio far exceeding the estimates of Colonel Abert."

Referring to the annual loss of life by reason of the difficulties encountered in navigation, the same report remarks:

"The Constitution confers on Congress full power to regulate commerce and navigation. It has been shown that the exercise of this power is indispensable to the protection of property floating on the ocean, the lakes, and the rivers. Its exercise is demanded by a more sacred and imperative obligation. *It is necessary to the preservation of human life.*

"The number of passengers conveyed on the lakes and Western rivers may be inferred from the immense value of the passenger trade already exhibited. The want of harbors along the lake coast, the snags and other obstructions in the rivers, may be said to cost the nation a forfeit of several hundred lives annually. Many conclusive and appalling details might be adduced to confirm this assertion. The President admits that the power to regulate commerce among the states has been properly and legitimately exercised by acts of Congress "for the

better security of passengers and vessels propelled by steam? These acts relate to the structure, machinery, and inspection of steam-boats. The concession of power to protect passengers yields the whole ground now contended for. It only remains to inquire what means are most effectual to guard passengers from the perils of navigation. The committee can not hesitate in answering this inquiry. It requires additional and better harbors on the lakes, and the removal of snags and obstructions from the rivers. More lives are lost from these dangers and impediments than from the explosion of steam boilers. To regulate the machinery of steam vessels by law, and yet leave them exposed to destruction on inaccessible coasts, and upon rocks and bars clearly within the power of Congress to remove, is an idle affectation of humanity. Such a policy reflects dishonor upon the intelligence of the country. It implies that the government is wanting either in power or in spirit to afford that protection to its citizens which is the first care of every enlightened nation."

The report of Colonel Abert, last mentioned, speaking of the commerce of the lakes and Western rivers as a nursery for seamen, says:

"But the lake commerce, on matters of defense, admits of a more general aspect. I allude now to its being so great a nursery of seamen; under which consideration, sound reasoning also requires us to place the trade of the Western rivers. Men accustomed to the navigation of these rivers, or to that of the lakes, acquire a fondness for the seafaring life, and readily become expert seamen. These two sources now employ annually about 32,086 hands, as mariners of all kinds. A state of war with a commercial power would, of necessity, throw many of them out of their accustomed employments, and their habits would naturally induce them to seek the kindred employment of the ocean. If it be supposed that this necessity should not extend over more than one third of their number, it would now furnish upward of 10,000 young and active able-bodied men, accustomed to the water, for a military marine, either for service on the lakes or on the broad Atlantic. We think it may therefore be said, without fear of error, that the lake and the Western river commerce is at this moment the greatest nursery of seamen possessed by any nation: a nursery as yet but



partially developed, occupying a most luxuriant soil, and daily increasing beyond all known precedents.

"Supposing this nursery to increase in a no greater ratio than our general population, it will, in ten years from 1846, produce 43,027. But reasonable calculations, on the sound data of experience, would bring that number in that time to about 50,000; that is, the inland nursery, the nursery of the Western rivers and the lakes, not including that of the sea-coast and of sea service."

The report also refers to the facilities of communication by rail-roads and canals, by the way of the lakes, with the Mississippi and the Atlantic. These means of communication are divided into two classes: "First, those which connect the lakes with the Valley of the Mississippi; second, those which connect the lakes with the Atlantic." The canals and rail-roads under each class are named; their points of departure and termination stated; and in reference to canals, length, breadth, and depth of water-way is given, and also dimensions and number of locks. The report also treats of the adaptation of the commercial means of the lakes to military operations and as means of military defense, showing very satisfactorily how powerful an auxiliary fleet can be made in the shortest time from the steam-boat flotilla of the lakes. The author of the report is decidedly of opinion that, in reference to the lakes, above the Falls of Niagara, the preponderance of commercial tonnage is so decidedly in our favor, that, reasoning from the advantages flowing from this preponderance, he concludes that the command of these lakes is unequivocally in us, and not easily to be wrested from us; but in reference to the lakes below the falls, particularly Lake Ontario, the case is different. On this lake the preponderance of commercial tonnage is vastly in favor of the British, and candid reasoning, from similar facts, obliges the report to give the command of this lake to the British.

The British superiority on this lake is accounted for by the very great attention which has been bestowed upon its harbors on the Canada side, and the comparative neglect on ours. These views and deductions open an interesting field of argument in favor of lake harbors as means of defense. We do not find this field to have been entered upon in the report beyond views consequent upon the commercial tonnage, the



omission being probably due to the desire of the author of the report to adhere rigidly to the queries included in the resolution of the Senate. They are not, however, entirely omitted, as we find in the report a short paragraph, expressing in a few words the military advantages resulting from these harbors. It is under the head "Of the British Commercial Means of the Lakes," as adaptable for military purposes :

"Those means, without doubt, eminently consist of the facilities which the general population of the country, and population concentrated in towns, can furnish. Wherever a harbor is made, population concentrates; the adjacent country becomes thickly inhabited and better cultivated; manufactories spring up; artisans of all kinds assemble; workshops are established; provisions are collected in storehouses; and all those facilities to military operations belonging to population, to supplies of all kinds, and to mechanical means, are at command. What these are on the Canada side of the lakes is not in my power to say, as I have no reliable data on these subjects. I have, therefore, of necessity, to confine myself to the rigid commercial means, and to the facilities of transferring those means from lake to lake, and from lake to river.'"

British opinion upon such matters may be inferred from the language of a report of the Board of Works to the Canadian Parliament, made in December, 1844. In that report, one of the British naval commanders is represented as saying,

"Very little need be said as to the necessity of forming ports on this great extent of coast, exposed as it is to the boisterous sea, which rises with every breeze of wind that blows up or down, or toward the shore of the lake."

Remarking on this and other observations of the same officer, the Board say :

"This class of works is admitted by the naval commander to be indispensable to enable her majesty's vessels to keep the lakes."

Returning now to the course of legislation concerning appropriations for rivers and harbors, it becomes proper to notice the proceedings of the two houses on a question affecting more especially the State of Georgia.

The bill of the last session making appropriations for the civil and diplomatic expenses of the government for the year

ending June 30th, 1849, and for other purposes, contained the following item :

“For the removal of obstructions in the Savannah River and the naval anchorage near Fort Pulaski, under the direction of the Secretary of War, \$50,000.”

This item was originally introduced into the bill, in the Committee of Ways and Means, on the motion of Mr. Toombs.

When the bill was under consideration in Committee of the Whole on the State of the Union, Mr. T. Butler King moved to amend it by inserting after the word “river” the words “occasioned by sinking wrecks to prevent the approach of the enemy to the city during the Revolutionary War;” and a motion was made by Mr. Venable, of North Carolina, to strike out the whole item.

The cause of the obstructions, for the removal of which the appropriation was asked, may be stated briefly.

Previous to the Revolutionary War, ships drawing eighteen feet of water could be navigated to the city of Savannah; and during the war, vessels and other obstacles were sunk, for purposes of national defense, in the channel of the river, by which its depth was reduced to twelve feet.

These obstructions, it appears, were created by an act of general defense; first by the Americans, to prevent the approach of the English fleet. Afterward, during the same war, they were increased by the English as a means of opposition to a French fleet, which assailed the British at the instance of the American authorities. The measure of sinking these wrecks was sanctioned by the authorities constituted at that crisis, was justified by the supposed emergency, and was not a departure from the ordinary modes adopted on such occasions. Under these circumstances, it was contended that the obligation of removing the obstacles rested upon the government. The appropriation, Mr. Toombs argued, was to be distinguished from works of general internal improvement. The government, for its own purposes of defense, had sunk these ships, and it was its duty to remove them. That duty, Mr. Stephens contended, was imperative, because the wrecks were a part of the means used to secure our independence. The appropriation did not come within the principle respecting river and harbor improvements, though he, for one, was willing to improve all great

works that were really of a national character. To this course of argument, it was answered that the work was one for internal improvement; that the object was to put the item in a bill with which it had no legitimate connection, and thus force the President either to sanction works which could not be passed into laws on their own merits, or to veto the bill for the support of government. The appropriation was also opposed on the score of objections to *discrimination* in such works.

The amendment of Mr. King was rejected, and the motion of Mr. Venable was agreed to. Thus the item was stricken out.

When the bill was brought into the House, and the question was put on concurring with the Committee of the Whole on the State of the Union in striking out the item, the vote stood as follows :

Yeas: Messrs. Atkinson, Bayly, Beale, Bingham, Birdsall, Bocock, Bowlin, Boyd, Brodhead, William G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Daniel, Dickinson, Garnett Duncan, Faran, Featherston, Ficklin, Fries, Fulton, Green, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Charles J. Ingersoll, Iverson, Andrew Johnson, James H. Johnson, Robert W. Johnson, George W. Jones, Kaufman, Kennon, Lahm, La Sere, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McClelland, McDowell, Job Mann, Meade, Miller, Morris, Nicoll, Peaslee, Peck, Petrie, Peyton, Phelps, Rhett, Richey, Rockhill, Sawyer, Simpson, Smart, Stanton, Starkweather, Charles E. Stuart, Thomas, James Thompson, Jacob Thompson, John B. Thompson, William Thompson, Thurston, Turner, Venable, Wallace, Wick, Williamson, Wilmot, and Woodward—85.

Nays: Messrs. Abbott, Barringer, Barrow, Blanchard, Boydon, Brady, Butler, Cabell, Chapman, Franklin Clark, Clingman, Cocke, Collamer, Conger, Cranston, Cristfield, Crowell, Crozier, Dickey, Dixon, Donnell, Duer, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Fisher, Flournoy, Gaines, Gayle, Goggin, Gregory, Nathan K. Hall, James G. Hampton, Haskell, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, Hubbard, Hudson, Hunt, Joseph R. Ingersoll, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Morehead, Mullin, Nelson, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Julius Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Stephens, Andrew Stewart, Strohm, Talmadge, Taylor, Thibodeaux, R. W. Thompson, Tompkins, Toombs, Tuck, Vinton, and Warren—84.

A single vote, the reader will perceive, would have changed the result. In this case, the rule of the House made it the duty of the speaker to vote. He voted in the *negative*, thus making a *tie*, yeas 85, nays 85. The amendment was therefore *rejected*, and the effect of the vote was that the appropriation was *retained in the bill*. A motion to reconsider the vote was laid

on the table, yeas 96, nays 92. We have stated the facts as they appear substantially on the record, without embarrassing the statement with any reference to errors which preceded the final decision of the question.

The bill was then ordered to a third reading, and the question was stated on its passage. But so objectionable had it become in some quarters by reason of the insertion of the appropriation for the Savannah River, that it was *rejected* by the vote which follows. We have no knowledge of any previous instance in our Congressional history where a bill making appropriations for the general expenses of the government had been lost.

*In favor of the passage of the bill:* Messrs. Adams, Barringer, Belcher, Blanchard, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Cranston, Cristfield, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Edwards, Alexander Evans, Nathan Evans, Fisher, Flournoy, Freedley, Fulton, Gayle, Goggin, Gott, Gregory, Hale, Hilliard, Isaac E. Holmes, Hubbard, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, Levin, Lincoln, Maclay, McClelland, H. Mann, Marsh, Marvin, Nelson, Newall, Nicoll, Outlaw, Peck, Pollock, Preston, Reynolds, Julius Rockwell, John A. Rockwell, St. John, Shepperd, Sherrill, Silvester, Truman Smith, Stanton, Stephens, Charles E. Stuart, Strong, Talmadge, Taylor, Thibodeaux, James Thompson, Thurston, Tompkins, Tuck, Van Dyke, Vinton, and Warren—77.

*Against the passage:* Messrs. Atkinson, Bayly, Bedinger, Bingham, Bocock, Bowdon, Bowlin, Boyd, Brodhead, William G. Brown, Albert G. Brown, Bart, Cathcart, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Crowell, Cummins, Daniel, Darling, Dickinson, Dunn, Eckert, Edsall, Embree, Faran, Farrelly, Featherston, Ficklin, Fries, Gentry, Giddings, Green, Willard P. Hall, James G. Hampton, Moses Hampton, Haralson, Harmanson, Harris, Hill, Elias B. Holmes, George S. Houston, Inge, Irvin, Iverson, Jameson, Jenkins, Andrew Johnson, Robert W. Johnson, G. W. Jones, Kaufman, Kemmon, Lahn, La Sere, Sidney Lawrence, Ligon, Lord, Lynde, McClelland, McDowell, McIlvaine, McKay, Job Mann, Meade, Miller, Morris, Mullin, Nes, Peaslee, Petrie, Pettit, Peyton, Phelps, Pillsbury, Putnam, Rhett, Richardson, Richey, Root, Sawyer, Schenck, Simpson, Smart, Starkweather, Strohm, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Turner, Venable, Wallace, Wentworth, Wick, Wiley, Williams, and Wilmot—100.

A motion was made by Mr. Howell Cobb to reconsider this vote. A debate followed, in which much feeling was evinced, especially with reference to an intimation which had been thrown out, and which was supposed to assume the aspect of a threat, that if the bill should be passed with the exceptional item, it would be met with a veto. It was conceded, also, that other considerations, which we need not explain, besides those connected with the item itself, controlled the votes to some extent.

The motion to reconsider prevailed. A motion was then



made by Mr. Cobb to reconsider the vote on the engrossment, but without success. And the bill was finally passed by the following vote :

Yeas : Messrs. Abbott, Adams, Barringer, Barrow, Belcher, Blanchard, Boydon, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Cristfield, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Garnett Duncan, Dunn, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Fulton, Gaines, Gayle, Giddings, Goggin, Gott, Gregory, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Henry, Hilliard, Isaac E. Holmes, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, John W. Jones, Kellogg, Thomas B. King, Daniel P. King, William T. Lawrence, Lincoln, Maclay, McClelland, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Mullin, Nelson, Nicoll, Outlaw, Palfrey, Peck, Pollock, Preston, Putnam, Reynolds, Julius Rockwell, John A. Rockwell, Rose, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stanton, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Strong, Talmadge, Taylor, Thibodeaux, James Thompson, John B. Thompson, Thurston, Tuck, Van Dyke, Vinton, and Warren—108.

Nays : Messrs. Atkinson, Bayly, Bedinger, Bingham, Birdsall, Bocock, Bowdon, Bowlin, Boyd, William G. Brown, Albert G. Brown, Burt, Cathcart, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummings, Darling, Dickinson, Eckert, Faran, Featherston, Fries, Green, Willard P. Hall, Hammons, Haralson, Harmanson, Harris, Hill, George S. Houston, Inge, Iverson, Jameson, Andrew Johnson, Robert W. Johnson, Kaufman, Kennon, Lahn, La Sere, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, McClelland, McDowell, McKay, Job Mann, Meade, Miller, Morris, Peaslee, Petrie, Pettit, Peyton, Pillsbury, Richardson, Richey, Rockhill, Root, Sawyer, Simpson, Smart, Starkweather, Thomas, Jacob Thompson, Robert A. Thompson, William Thompson, Turner, Venable, Wallace, Wentworth, Wiley, Williams, and Woodward—78.

The bill having been sent to the Senate, the Committee of Finance of that body struck out the appropriation for the Savannah River, and the Senate concurred with its committee by the following vote :

Yeas : Messrs. Allen, Atchison, Atherton, Benton, Borland, Bradbury, Breese, Bright, Butler, Calhoun, Davis of Mississippi, Dickinson, Dix, Dodge, Douglas, Downs, Felch, Fitzgerald, Foote, Hamlin, Hannegan, Houston, Hunter, Johnson of Georgia, King, Lewis, Mason, Niles, Phelps, Rusk, Sebastian, Sturgeon, Turney, Walker, and Westcott—35.

Nays : Messrs. Badger, Baldwin, Bell, Clarke, Corwin, Davis of Massachusetts, Dayton, Greene, Johnson of Maryland, Johnson of Louisiana, Metcalfe, Miller, Pearce, Spruance, and Upham—15.

In due course, the bill was sent back to the House, and the House concurred with the Senate in striking out the amendment by the following vote :

Yeas : Messrs. Atkinson, Bayly, Beale, Bedinger, Bingham, Birdsall, Bocock, Botts, Bowdon, Bowlin, Boyd, Brodhead, Charles Brown, Albert G. Brown, Burt, Cathcart, Chase, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Collins, Cummins, Daniel, Darling, Dickinson, Garnett Duncan, Edsall, Faran,



Featherston, Ficklin, French, Fulton, Green, Grinnell, Willard P. Hall, Hammons, Haralson, Harris, Henley, Hill, George S. Houston, Charles J. Ingersoll, Iverson, Jenkins, Andrew Johnson, Robert W. Johnson, George W. Jones, Kaufinan, Kennon, Sidney Lawrence, Ligon, Lord, Lumpkin, Lynde, Maclay, McClelland, McClernand, McDowell, McKay, McLane, Job Mann, Meade, Miller, Morris, Murphy, Nicoll, Peaslee, Peck, Pettit, Phelps, Pillsbury, Richey, Robinson, Rockhill, Sawyer, Simpson, Smart, Robert Smith, Stanton, Starkweather, Charles E. Stuart, Strong, Thomas, James Thompson, Jacob Thompson, Robert A. Thompson, William Thompson, Thurston, Turner, Van Dyke, Venable, Wallace, Wick, Williams, and Woodward—95.

Nays: Messrs. Abbott, Ashmun, Barringer, Barrow, Blanchard, Boydon, Brady, Buckner, Butler, Cabell, Canby, Chapman, Clingman, Cocke, Collamer, Conger, Cranston, Crowell, Crozier, Dickey, Dixon, Donnell, Daniel Duncan, Dunn, Eckert, Edwards, Embree, Alexander Evans, Nathan Evans, Farrelly, Fisher, Flournoy, Freedley, Gayle, Goggin, Gott, Gregory, Hale, Nathan K. Hall, James G. Hampton, Henry, Elias B. Holmes, John W. Houston, Hubbard, Hudson, Hunt, Irvin, John W. Jones, Kellogg, Thomas Butler King, Daniel P. King, William T. Lawrence, Lincoln, McIlvaine, Horace Mann, Marsh, Marvin, Morehead, Mullin, Nelson, Nes, Newall, Outlaw, Palfrey, Pendleton, Pollock, Preston, Putnam, Reynolds, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Sherrill, Silvester, Slingerland, Caleb B. Smith, Truman Smith, Stephens, Strohm, Talmadge, Taylor, John B. Thompson, Toombs, Tuck, Vinton, Warren, Wentworth, and White—92.

The bill was passed, therefore, without the appropriation.

There yet remains to be noticed one other proceeding on the part of the House of Representatives.

On the third of February, 1848, a bill "making appropriations for the preservation and repairs of the public works upon certain harbors and rivers, and for the survey of certain harbors," was reported from the Committee on Commerce by its chairman, Mr. Washington Hunt.

On Friday, the eleventh of August, the bill was passed in the following form:

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a sum of money be, and the same is hereby appropriated, to be paid out of any unappropriated money in the treasury, sufficient for the following purposes:

"For the continuation of the Breakwater Structure at Burlington, on Lake Champlain, \$6000.

"For opening a communication between Albemarle Sound and the Atlantic Ocean, and the improvement of a harbor at or near Old Roanoke Inlet, on the coast of North Carolina, \$50,000.

"For the continuation of the Breakwater Structure at Plattsburg, on Lake Champlain, \$6000.

"For the repairs and working of the Steam Dredge on Lake Champlain, \$5000.

"For the improvement of the harbor at Port Ontario, on Lake Ontario, \$3000.

"For the improvement of the harbor at Oswego, on Lake Ontario, \$10,000.

"For the improvement of Big Sodus Bay, on Lake Ontario, \$4000.

"For the improvement of the harbor at the mouth of the Genesee River, on Lake Ontario, \$6000.

- "For the improvement of the Oak Orchard Harbor, on Lake Ontario, \$3000.
- "For the construction of a Dredge Boat for Lake Ontario, \$12,000.
- "For the preservation, improvement, and repair of the harbor at Buffalo, New York, \$25,000.
- "For improving the harbor at Dunkirk, on Lake Erie, \$5000.
- "For improving the harbor at Erie, on Lake Erie, \$12,000.
- "For improving Grand River Harbor, on Lake Erie, \$3000.
- "For improving the harbor at Cleveland, on Lake Erie, \$10,000.
- "For improving the harbor at Sandusky City, on Lake Erie, \$6000.
- "For improving the River Raisin Harbor, on Lake Erie, \$5000.
- "For constructing a Dredge Boat to be used on Lake Erie, \$12,000.
- "For the improvement of the St. Clair Flats, in the State of Michigan, \$50,000.
- "For improving the harbor at St. Joseph, on Lake Michigan, \$6000.
- "For the improvement of the harbor at the mouth of Grand River, in the State of Michigan, \$10,000.
- "For the improvement of the harbor at the mouth of the Kalamazoo River, in Michigan, \$5000.
- "For improving the harbor at Michigan City, on Lake Michigan, \$12,000.
- "For improving the harbor at Milwaukee, on Lake Michigan, \$6000.
- "For improving the harbor at Chicago, on Lake Michigan, \$8000.
- "For the improvement of the canal around the Muscle Shoals, in the Tennessee River, and improving the navigation of said river above the Shoals, \$50,000.
- "For the continuation of the works on the River Thames, in the State of Connecticut, in accordance with the plans and surveys of the Department, \$10,000.
- "For the completion of the Breakwater at Sandy Bay, Massachusetts, \$30,000.
- "For constructing a Dredge Boat to be used on Lake Michigan, \$12,000.
- "For constructing a Breakwater Structure at Stamford Ledge, Maine, \$6000.
- "For improving the harbor at Boston, \$17,000.
- "For the improvement of the harbor at Newark, New Jersey, \$10,000.
- "For the removal of obstructions and clearing out of Great Egg Harbor River, in the State of New Jersey, from Hamilton Bridge to its mouth, \$10,000.
- "For a continuation of the improvement of the mouth of the Connecticut River, \$20,000, to be expended under the direction of the Engineer Department.
- "For the improvement of the harbor at Providence and Block Island, Rhode Island, \$5000.
- "For completing the Delaware Breakwater, \$30,000.
- "For improving the harbor at Baltimore City, \$10,000.
- "For the improvement of the harbor at Havre de Grace, Maryland, \$15,000.
- "For the improvement of the harbor at Mobile, \$15,000.
- "For improving Hog Island Channel, at Charleston City, South Carolina, \$10,000.
- "For the improvement of Savannah Harbor and the Naval Anchorage near Fort Pulaski, \$25,000.
- "For continuing the public works and removing the obstructions in the Hudson River, \$25,000.
- "For the improvement of the Ohio River above the Falls at Louisville, \$40,000.
- "For improving the harbor at Bridgeport, Connecticut, \$6000.
- "For the improvement of the Ohio River below the Falls at Louisville, and of the Missouri and Arkansas Rivers, \$75,000, to be expended under the direction of the Secretary of War.
- "For removing the raft of Red River, and for the improvement of said river, \$25,000.
- "For repairs and preservation of Harbor Works heretofore constructed on the Atlantic coast, \$10,000.

- "For improving the harbor at Cattaraugus Creek, on Lake Erie, \$5000.
- "For improving the harbor at Ashtabula, on Lake Erie, \$5000.
- "For improving the harbor at Huron, on Lake Erie, \$5000.
- "For improving the harbor at Vermilion, on Lake Erie, \$5000.
- "For improving the harbor at Black River, on Lake Erie, \$3000.
- "For improving the harbor at Conneaut, on Lake Erie, \$5000.
- "For improving the harbor at Dubuque, Iowa, \$25,000.
- "For improving the harbor at Racine, on Lake Michigan, \$4000.
- "For improving the harbor at Southport, on Lake Michigan, \$4000.
- "For removing obstructions and improving the navigation of the Mississippi River, \$75,000.
- "For the completion and repair of the Dam constructed by the government at Cumberland Island, on the Ohio River, \$50,000.
- "For a survey and examination of the ports and harbors of Texas, \$2000, to be expended under the direction of the Secretary of War.
- "Sect. 2. *And be it further enacted*, That a sum of money be, and the same is hereby appropriated, to be paid out of any money in the treasury not otherwise appropriated, sufficient for the following purposes:
  - "For the improvement of the Little Sodus Bay, on Lake Ontario, \$5000.
  - "For the improvement of the harbor at the mouth of Eighteen Mile Creek, at Olcott, on Lake Ontario, \$5000.
  - "For the improvement of the navigation of James River, in the State of Virginia, \$2000.
  - "For a survey and examination of the Alleghany River, the Sabine River, and the harbors at the mouth of Black River and New Buffalo on Lake Michigan, and Little Egg Harbor, and for the improvement of the navigation of the Passaic River in the State of New Jersey, \$10,000.
  - "For a survey and examination of the Perrywig Shoals, in the River Delaware, \$500.
  - "For the improvement of the harbor at Little Fort, on Lake Michigan, \$5000.
  - "For the improvement of the harbor at Newcastle, in the State of Delaware, \$5000.
  - "For the improvement of the Great Wood Hole Harbor, in the State of Massachusetts, \$4000.
  - "For the construction of an Ice Harbor at Delaware City, in the State of Delaware, \$5000.
  - "For erecting a Breakwater at Nantucket, \$20,000.
  - "For the improvement of Ocracoke Inlet, North Carolina, \$10,000.
  - "For the improvement of the harbor at Sheboygan, on Lake Michigan, \$4000.
  - "For repairs of the piers in the River Delaware at Marcus Hook, \$1500.
  - "For repairs of the piers at Chester, in the State of Pennsylvania, \$500.
  - "For the improvement of the harbor at the mouth of Big Sandy Creek, on Lake Ontario, \$5000."

And the vote stood as follows :

Yeas: Messrs. Abbott, Ashmun, Bingham, Birdsall, Blanchard, Botts, Boydon, Brady, Buckner, Canby, Cathcart, Chapinan, Clingman, Cocke, Collamer, Collins, Conger, Cranston, Crowell, Crozier, Darling, Dickey, Dickinson, Dixon, Donnell, Duer, Daniel Duncan, Garnett Duncan, Dunn, Eckert, Edsall, Edwards, Embree, Alexander Evans, Nathan Evans, Faran, Farrelly, Fisher, Freedley, Goggin, Gott, Gregory, Grinnell, Hale, Nathan K. Hall, James G. Hampton, Moses Hampton, Haskell, Henley, Henry, Elias B. Holmes, Hubbard, Hudson, Hunt, Charles J. Ingersoll, Joseph R. Ingersoll, Irvin, Jenkins, Kellogg, Thomas Butler King, Dan-

iel P. King, William T. Lawrence, Sidney Lawrence, Lincoln, Lynde, M'Clelland, McIlvaine, Marsh, Marvin, Morehead, Morris, Mullen, Nelson, Nes, Newall, Nicoll, Outlaw, Palfrey, Peck, Pendleton, Petrie, Pollock, Preston, Putnam, Reynolds, John A. Rockwell, Roman, Rose, Root, Rumsey, St. John, Schenck, Shepperd, Sherrill, Silvester, Slingerland, Caleb B. Smith, Robert Smith, Truman Smith, Stanton, Starkweather, Stephens, Andrew Stewart, Charles E. Stuart, Strohm, Talmadge, Taylor, James Thompson, Richard W. Thompson, William Thompson, Thurston, Tuck, Turner, Van Dyke, Vinton, Warren, Wentworth, and White—118.

Nays: Messrs. Atkinson, Barringer, Bayly, Beale, Bedinger, Boccock, Boyd, Brodhead, Charles Brown, Burt, Chase, Franklin Clark, Beverly L. Clarke, Howell Cobb, Williamson R. W. Cobb, Cummins, Daniel, Featherston, Ficklin, Flournoy, French, Fries, Fulton, Gayle, Green, Willard P. Hall, Hammons, Harris, Hill, Hilliard, George S. Houston, Iverson, Andrew Johnson, George W. Jones, John W. Jones, Kennon, La Sere, Ligon, Lord, Lumpkin, M'Clelland, M'Kay, M'Lane, Job Mann, Meade, Miller, Peaslee, Phelps, Robinson, Sawyer, Smart, Thomas, Jacob Thompson, Robert A. Thompson, Toombs, Venable, Wallace, Wick, Wiley, Williams, Wilmot, and Woodward—62.

The reader will observe that the vote approximated very closely to the majority of *two thirds* required by the Constitution of the United States to give the bill the force and efficacy of a law, "the President's objections to the contrary notwithstanding."

It was sent to the Senate on the day on which it was passed. It was there referred to the Committee on Commerce, and, on the following Monday—August 16th—the day fixed for the final adjournment of Congress, was reported back by Mr. Davis, of Massachusetts, without amendment, but too late for action. Nothing more was heard of it.

With this, the latest exposition of the national representative judgment, we close our history of this interesting and important question—interesting in all its bearings upon the progress of the country, important in all its aspects to the welfare of the people.

The recent emphatic manifestations of hostility to the system—enforced as they have been by the exercise of the highest prerogative known to kingly power—have failed, we believe, to convince the general mind either that appropriations for these objects are unconstitutional, or that they must necessarily be productive of the demoralization and corruption which politicians of some schools foretell. We speak of kingly power, because, considering the difficulty—we had almost said the impossibility—of obtaining a vote of two thirds on any measure where party lines are drawn, the executive veto, now so formidable a weapon in republican hands, becomes with us an



exercise of authority almost as absolute as it is in the British crown. It is understood that this prerogative has not been exercised in England since the reign of William the Third, a period of nearly two hundred years.

It is no easy matter to rivet upon intelligent understandings the conviction that a Constitution, under whose expansive ægis the republic may safely repose while carrying its victorious banners into the heart of neighboring provinces and annexing them to its own domain, should lose all its tutelary power the moment its aid is invoked toward the removal of those hidden dangers which lie treacherously in wait for the unwary traveler beneath the surface of the waters. The people, whose cooler judgment seldom fails to guide them to correct conclusions, will scarcely raise their voices in hosannas to *such* a Constitution, because they can no longer discern in it the tokens of that catholic and beneficent charter which their fathers gave them.

We have not deemed it our duty to enter into an investigation or comparison of the arguments upon which any of the vetoes of these measures have been founded. We have contented ourselves with a simple narration of facts, leaving the reader to draw his own deductions from the premises which we have furnished. Touching the course of the earlier presidents, we have withheld nothing from view that was essential to the truth of history. We have quoted their *opinions*—we have recorded their *acts*. If it should sometimes be found difficult to reconcile the one with the other, the fault lies not at our door. The record is truly made up. Still less have we felt ourselves authorized to analyze the facts or arguments of the more *recent* vetoes. They have arrested the public attention, and fixed the public eye. In placing before the reader, abundantly as we have done, the means of testing for himself their historical accuracy, and otherwise of deciding on their claims to public consideration, we have reached the limit which, as an impartial writer, we have supposed to be allotted to us.

We are of opinion that a more auspicious day is dawning: that when the people most interested in these matters shall better understand the influences which operate against them, they will assert their *will* in a manner neither to be slighted nor misunderstood. We invite them to the investigation.

A critical survey of the whole ground must, we think, sat-



isfy the reader that the argument in favor of appropriations of this character rests upon an impregnable foundation, and that the right to make them is one which the people will not consent permanently to surrender.

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#### APPENDIX.

##### *Views of President Monroe on the Subject of Internal Improvements.*

“It may be presumed that the propositions relating to internal improvements by roads and canals, which have been several times before Congress, will be taken into consideration again, either for the purpose of recommending to the states the adoption of an amendment to the Constitution to vest the necessary power in the general government, or to carry the system into effect on the principle that the power has already been granted. It seems to be the prevailing opinion that great advantage would be derived from the exercise of such a power by Congress. Respecting the right, there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought forthwith to be exercised. If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the Constitution to obtain it. I propose to examine this question.

“The inquiry, confined to its proper objects, and within the most limited scale, is extensive. Our government is unlike other governments, both in its origin and from. In analyzing it, the differences, in certain respects, between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences, so far as they are connected with the object of inquiry, and the consequences likely to result from them, varying in equal degree from those which have attended other governments. The digression, if it may be so called, will in every instance be short, and the transition to the main object immediate and direct. To do justice to the subject, it will be necessary to mount to the source of power in these states, and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the state governments and the general government. If there was a perfect accord, in every instance, as to the precise extent of the powers granted to the general government, we should then know with equal certainty what were the powers which remained to the state governments, since it would follow that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the construction of these powers and their incidents, that a difference of opinion exists; and hence it is necessary to trace distinctly the origin of each government, the purposes intended by it, and the means adopted to accomplish them. By having the interior of both governments fully before us, we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

“Before the Revolution, the present states, then colonies, were separate communities, unconnected with each other, except in their common relation to the crown. Their governments were instituted by grants from the crown, which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the crown. All power not retained in the crown was vested exclusively in the colonies, each having a government, consisting of an executive, a judiciary, and a legislative assembly, one branch of which was in every instance elected by the people. No office was hereditary,

nor did any title under the crown give rank or office in any of the colonies. In resisting the encroachments of the parent country and abrogating the power of the crown, the authority which had been held by it vested exclusively in the people of the colonies. By them was a Congress appointed, composed of delegates from each colony, who managed the war, declared independence, treated with foreign powers, and acted in all things according to the sense of their constituents. The Declaration of Independence confirmed in form what had before existed in substance. It announced to the world new states, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognized by France and other powers, and finally by Great Britain herself, in 1783.

"Soon after the power of the crown was annulled, the people of each colony established a constitution or frame of government for themselves, in which three separate branches—a legislative, executive, and judiciary—were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people, not delegated to Congress, was communicated, to be exercised for their advantage, on the representative principle, by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes held by any of the strongest governments of the Old World, not vested in Congress, were imparted to these state governments, without other checks than such as are necessary to prevent abuse in the form of fundamental declarations, or bills of right. The great difference between our governments and those of the Old World consists in this, that the former being representative, the persons who exercise their powers do it, not for themselves or in their own right, but for the people; and therefore, while they are in the highest degree efficient, they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies in every branch which constitutes the great improvements in the science of government, and forms the boast of our system. It combines all the advantages of every known government, without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

"In every stage of the conflict, from its commencement until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies or conventions of the several colonies being formed by representatives from every county in each colony, and the Congress by delegates from each colonial assembly, the powers of the latter for general purposes resembled those of the former for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The nation exerted its whole faculties in support of its rights, and of its independence after the contest took that direction, and it succeeded. It was, however, foreseen at a very early stage, that although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it after obtained. A plan of confederation was, in consequence, proposed and taken into consideration by Congress, even at the moment when the other great act which severed them from Great Britain, and declared their independence, was proclaimed to the world. This compact was ratified on the 21st of March, 1781, by the last state, and thereupon carried into immediate effect.

"The following powers were vested in the United States by the Articles of Confederation. As this, the first bond of union, was in operation nearly eight years,

during which time a practical construction was given to many of its powers, all of which were adopted in the Constitution, with important additions, it is thought that a correct view of those powers, and of the manner in which they were executed, may shed light on the subject under consideration. It may fairly be presumed, that where certain powers were transferred from one instrument to the other, and in the same terms, or terms descriptive only of the same powers, that it was intended that they should be construed in the same sense in the latter that they were in the former:

“Article 1 declares that the style of the confederacy shall be ‘The United States of America.’

“Article 2. Each state retains its sovereignty, freedom, and independence, and every power and right which is not expressly delegated to the United States.

“Article 3. The states severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, on account of religion, sovereignty, trade, &c.

“Article 4. The free inhabitants of each state, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all the privileges and immunities of free citizens in the several states, &c. Fugitives from justice into any of the states shall be delivered up on the demand of the executive of the state from which they fled. Full faith and credit shall be given, in each state, to the records and acts of every other state.

“Article 5. Delegates shall be annually appointed by the Legislature of each state, to meet in Congress on the first Monday in November, with a power to recall, &c. No state shall appoint less than two nor more than seven, nor shall any delegate hold his office for more than three in six years. Each state shall maintain its own delegates. Each state shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, &c.

“Article 6. No state shall send or receive an embassy, or enter into a treaty with a foreign power. Nor shall any person, holding any office of profit or trust under the United States, or any state, accept any present, emolument, office, or title from a foreign power. Nor shall the United States, or any state, grant any title of nobility. No two states shall enter into any treaty without the consent of Congress. No state shall lay any imposts or duties which may interfere with any treaties entered into by the United States. No state shall engage in war unless invaded or menaced with invasion by some Indian tribe; nor grant letters of marque or reprisal, unless it be against pirates, nor keep up vessels of war, nor any body of troops, in time of peace, without the consent of Congress; but every state shall keep up a well-regulated militia, &c.

“Article 7. When land forces are raised by any state for the common defense, all officers of, and under the rank of colonel, shall be appointed by the Legislature of each state.

“Article 8. All charges of war, and all other expenses which shall be incurred for the common defense or general welfare, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all the land in each state granted to individuals. The taxes for paying such proportion shall be levied by the several states.

“Article 9. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article, of sending and receiving ambassadors; entering into treaties and alliances, except, &c.; of establishing rules for deciding what captures on land and water

shall be legal; of granting letters of marque and reprisal in time of peace; appointing courts for the trial of piracies and felonies on the high seas; for deciding controversies between the states, and between individuals claiming lands under two or more states, whose jurisdiction has been adjusted; of regulating the alloy and value of coin struck by their authority, and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post-offices from one state to another, and throughout all the states, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the land forces, except regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States, and appropriate the same; to borrow money, and emit bills of credit; to build and equip a navy; to agree on the number of land forces, and to make requisitions on each state for its quota; that the assent of nine states shall be requisite to these great acts.

"Article 10 regulates the powers of the committee of the states to sit in the recess of Congress.

"Article 11 provides for the admission of Canada into the Confederation.

"Article 12 pledges the faith of the United States for the payment of all bills of credit issued, and money borrowed on their account.

"Article 13. Every state shall abide by the determination of the United States on all questions submitted to them by the Confederation. The Articles of the Confederation to be perpetual, and not to be altered without the consent of every state.

"This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent states, its acts, like those of all other leagues, required the interposition of the states composing it, to give them effect within their respective jurisdictions. The acts of Congress, without the aid of state laws to enforce them, were altogether nugatory. The refusal or omission of one state to pass such laws was urged as a reason to justify like conduct in others, and thus the government was soon at a stand.

"The experience of a few years demonstrated that the Confederation could not be relied on for the security of the blessings which had been derived from the Revolution. The interests of the nation required a more efficient government, which the good sense and virtue of the people provided by the adoption of the present Constitution.

"The Constitution of the United States was formed by a convention of delegates from the several states, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each state, which was especially called to consider and decide on the same. In this progress the state governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the Revolution, they promoted the diminution of their own powers, and the enlargement of those of the general government in the way in which they might be most adequate and efficient.

"It is believed that no other example can be found of a government exerting its influence to lessen its own powers; of a policy so enlightened; of a patriotism so pure and disinterested. The credit, however, is more especially due to the people of each state, in obedience to whose will, and under whose control, the state governments acted.

"The Constitution of the United States, being ratified by the people of the several states, became, of necessity, to the extent of its powers, the paramount author-



ity of the Union. On sound principles, it can be viewed in no other light. The people, the highest authority known to our system, from whom all our institutions spring, and on whom they depend, formed it. Had the people of the several states thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then, nor is there any thing now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the national government thus far a consolidated government, and preserving the state governments, without that limit, perfectly sovereign and independent of the national government. Had the people of the several states incorporated themselves into one community, they must have remained such, their constitution becoming then, like the Constitutions of the several states, incapable of change, until altered by the will of the majority. In the institution of a state government by the citizens of a state, a compact is formed, to which all and every citizen are equal parties. They are also the sole parties, and may amend it at pleasure. In the institution of the government of the United States by the citizens of every state, a compact was formed between the whole American people, which has the same force, and partakes of all the qualities, to the extent of its powers, as a compact between the citizens of a state in the formation of their own Constitution. It can not be altered, except by those who formed it, or in the mode prescribed by the parties to the compact itself.

“This Constitution was adopted for the purpose of remedying all the defects of the Confederation, and in this it has succeeded beyond any calculation that could have been formed of any human institution. By binding the states together, the Constitution performs the great office of the Confederation; but it is in that sense only that it has any of the properties of that compact, and in that it is more effectual to the purpose, as it holds them together by a much stronger bond, and in all other respects in which the Confederation failed, the Constitution has been blessed with complete success. The Confederation was a compact between separate and independent states, the execution of whose articles, in the powers which operated internally, depended on the state governments. But the great office of the Constitution, by incorporating the people of the several states, to the extent of its powers, into one community, and enabling it to act directly on the people, was to annul the powers of the state governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the general government. The government of the United States relies on its own means for the execution of its powers, as the state governments do for the execution of theirs, both governments having a common origin, or sovereign, the people—the state governments the people of each state, the national government the people of every state, and being amenable to the power which created it. It is by executing its functions as a government, thus originating and thus acting, that the Constitution of the United States holds the states together, and performs the office of a league. It is owing to the nature of its powers, and the high source whence they are derived, the people, that it performs that office better than the Confederation, or any league which ever existed, being a compact which the state governments did not form, to which they are not parties, and which executes its own powers independent of them.

“Thus were two separate and independent governments established over our Union, one for local purposes, over each state, by the people of the state, the other for national purposes, over all the states, by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The state governments are independent of each other, and, to the extent of their powers, are complete sovereignties. The national government begins



where the state governments terminate, except in some instances where there is a concurrent jurisdiction between them. This government is also, according to the extent of its powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

“The history of the world affords no such example of two separate and independent governments established over the same people; nor can it exist except in governments founded on the sovereignty of the people. In monarchies, and other governments not representative, there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments, alliances and leagues alone are practicable; but with us, individuals count for nothing in the offices which they hold, that is, they have no right to them. They hold them as representatives by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system, taken in its twofold character, and in all its great principles, of two governments completely distinct from and independent of each other; each constitutional, founded by, and acting directly on the people; each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory, not only without weakening either government, but enjoying the peculiar advantage of adding thereby new strength and vigor to the faculties of both; possessing, also, this additional advantage, that while the several states enjoy all the rights reserved to them of separate and independent governments, and each is secured by the nature of the federal government, which acts directly on the people against the failure of the others to bear their equal share of the public burdens, and thereby enjoys, in a more perfect degree, all the advantages of a league, it holds them together by a bond altogether different and much stronger than the late Confederation, or any league that was ever known before: a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere; descended from the same ancestors; speaking the same language; having the same religion and universal toleration; born equally, and educated in the same principles of free government; made independent by a common struggle, and menaced by the same dangers, ties existed between them which never applied before to separate communities. They had every motive to bind them together which could operate on the interests and affections of a generous, enlightened, and virtuous people; and it affords inexpressible consolation to find that these motives had their merited influence.

“In thus tracing our institutions to their origin, and pursuing them in their progress and modification down to the adoption of this Constitution, two important facts have been disclosed, on which it may not be improper, in this stage, to make a few observations. The first is, that, in wresting the power, or what is called the sovereignty, from the crown, it passed directly to the people. The second, that it passed directly to the people of each colony, and not to the people of all the colonies in the aggregate; to thirteen distinct communities, and not to one. To these two facts, each contributing its equal proportion, I am inclined to think that we are in an eminent degree indebted for the success of our Revolution. By passing to the people, it vested in a community, every individual of which had equal rights and a common interest. There was no family dethroned among us; no banished pretender in a foreign country, looking back to his connection and adherents here, in the hope of a recall; no order of nobility, whose hereditary

rights in the government had been violated; no hierarchy which had been degraded and oppressed. There was but one order, that of the people, by whom every thing was gained by the change. I mention it also as a circumstance of peculiar felicity, that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices were, therefore, all on the side of the Revolution and of free republican government.

"Had distinct orders existed, our fortune might, and probably would have been different. It would scarcely have been possible to have united so completely the whole force of the country against a common enemy. A contest would probably have arisen in the outset between the orders for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or, remaining behind, internal divisions would have taken place in every state, and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders; of revolutions attempted which proved abortive; of republics which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed that the attraction of all the parts has been to a common center; that every change has tended to cement the Union; and, in short, that we have been blessed with such glorious and happy success.

"And that the power wrested from the British crown passed to the people of each colony, the whole history of our political movement, from the emigration of our ancestors to the present day, clearly demonstrates. What produced the Revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted? to the people of each colony, or to the people of all the colonies as a single community? We know that no such community as the aggregate existed, and, of course, that no such rights could be violated. It may be added, that the nature of the powers which were given to the delegates by each colony, and the manner in which they were executed, show that the sovereignty was in the people of each, and not in the aggregate. They respectively presented credentials, such as are usual between ministers of separate powers, which were examined and approved before they entered on the discharge of the important duties committed to them. They voted, also, by colonies, and not individually, all the members from one colony being entitled to one vote only. This fact alone, the first of our political association, and at the period of our greatest peril, fixes beyond all controversy the source whence the power which has directed and secured success to all our measures has proceeded.

"Had the sovereignty passed to the aggregate, consequences might have ensued, admitting the success of our Revolution, which might even yet seriously affect our system. By passing to the people of each colony, the opposition to Great Britain, the prosecution of the war, the Declaration of Independence, the adoption of the Confederation, and of this Constitution, are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the state governments might be said to have emanated from it, and amendments of their Constitutions, on that principle, be proposed by the same authority. In short, it is not easy to perceive all the consequences to which such a doctrine might lead. It is obvious that the people in mass would have much less agency in all the great measures of the Revolution, and in those which followed, than they actually had, and proportionably less credit for their patriotism and services than they are now entitled to and enjoy. By passing to the people of each colony, the whole body in each were kept in constant and active deliberation on

subjects of the highest national importance, and in the supervision of the conduct of all the public servants in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind which human ingenuity could devise, and the whole people rendered more competent to the self-government which, by an heroic exertion, they had acquired.

"I will now proceed to examine the powers of the general government, which, like the governments of the several states, is divided into three branches, a legislative, executive, and judiciary, each having its appropriate share. Of these, the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the national government may be said to rest essentially on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

"By the eighth section of the first article of the Constitution, it is declared that Congress shall have power,

"1st. To lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defense and general welfare of the United States.

"2d. To borrow money.

"3d. To regulate commerce with foreign nations and among the several states, and with the Indian tribes.

"4th. To establish a uniform rule of naturalization, and uniform laws respecting bankruptcies.

"5th. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

"6th. To provide for the punishment of counterfeiting the securities and current coin of the United States.

"7th. To establish post-offices and post-roads.

"8th. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

"9th. To constitute tribunals inferior to the Supreme Court, to define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.

"10th. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

"11th. To raise and support armies.

"12th. To provide and maintain a navy.

"13th. To make rules for the government of the land and naval forces.

"14th. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

"15th. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be in the service of the United States, reserving to the states the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

"16th. To exercise exclusive legislation, in all cases whatever, over such district (not exceeding ten miles square) as may, by the cession of particular states, and the acceptance by Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the state in which the same may be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

"17th. And to make all laws which shall be necessary and proper for carrying

into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof

“To the other branches of the government, the powers properly belonging to each are granted. The President, in whom the executive power is vested, is made commander-in-chief of the army and navy, and militia when called into the service of the United States. He is authorized, with the advice and consent of the Senate, two thirds of the members present concurring, to form treaties, to nominate, and, with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment. It is made his duty to give to Congress, from time to time, information of the state of the Union, to recommend to their consideration such measures as he may judge necessary and expedient, to convene both houses on extraordinary occasions, to receive ambassadors, and to take care that the laws be faithfully executed.

“The judicial power is vested in one Supreme Court, and in such inferior courts as Congress may establish; and it is made to extend to all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters; cases of admiralty and maritime jurisdiction; cases in which the United States are a party; between two or more states; between citizens of different states; between citizens of the same state, claiming grants of land under different states; between a state or citizen thereof and foreign states, are specially assigned to these tribunals.

“Other powers have been granted in other parts of the Constitution, which, although they relate to specific objects unconnected with the ordinary administration, yet, as they form important features in the government, and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

“By article 1, section 9, clause 1st, it is provided that the migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

“By article 3, section 3, clause 1st, new states may be admitted by Congress into the Union, but no new state shall be formed within the jurisdiction of another state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislature of the states concerned, as well as of the United States. And by the next clause of the same article and section, power is vested in Congress to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States, with a proviso that nothing in the Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

“By article 4, section 4, the United States guaranty to every state a republican form of government, and engage to protect each of them against invasion; and, on application of the Legislature, or the executive when the Legislature can not be convened, against domestic violence. Of the other parts of the Constitution relating to power, some form restraints on the exercise of powers granted to Congress, and others on the exercise of the powers remaining to the states. The object, in both instances, is to show more completely the line between the two governments, and also to prevent abuses by either. Other parts operate like conventional stipulations between the states, abolishing between them all distinctions



applicable to foreign powers, and securing to the inhabitants of each state all the rights and immunities of citizens in the several states. By the fifth article it is provided that Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments, or, on the application of the Legislatures of two thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid as a part of the Constitution when ratified by the Legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode may be proposed by Congress; provided that no state, without its consent, shall be deprived of its equal vote in the Senate, and that no amendment which may be made prior to the year 1808 shall affect the first and fourth clauses in the ninth section of the first article.

“By the second section of the sixth article it is declared that the Constitution and laws of the United States, which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land; and that the judges in every state shall be bound thereby, any thing in the Constitution or laws of any state to the contrary notwithstanding. This right in the national government to execute its powers was indispensable to its existence. If the state governments had not been restrained from encroaching on the powers vested in the national government, the Constitution, like the Confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object other than by making a national Constitution, which should be, to the extent of its powers, the supreme law of the land. This right in the national government would have existed under the Constitution to the full extent provided for by this declaration, had it not been made. To prevent the possibility of a doubt, however, on so important a subject, it was proper to make the declaration.

“Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the states. It is by fixing the great powers which are admitted to belong to each government that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the national government, this task was easy, because its powers were to be found in *specific* grants in the Constitution; but it is more difficult to give a detail of the powers of the state governments, as their Constitutions, containing all powers granted by the people, not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately, a precise detail of all the powers remaining to the state governments is not necessary in the present instance. A knowledge of their great powers only will answer every purpose contemplated, and respecting these there can be no diversity of opinion. They are sufficiently recognized and established by the Constitution of the United States itself. In designating the important powers of the state governments, it is proper to observe, first, that the territory contemplated by the Constitution belongs to each state in its separate character, and not to the United States in their aggregate character. Each state holds territory according to its original charter, except in cases where cessions have been made to the United States by individual states. The United States had none when the Constitution was adopted which had not been thus ceded to them, and which they held on the conditions on which such cessions had been made. Within the individual states it is believed that they held not a single acre; but if they did, it was as citizens held it, merely as private property. The territory acquired by cession, lying without the individual states, rests on a different principle, and is provided for by a separate and distinct part of the Constitution. It is the territory within the individual states to which the Constitution, in its great principles, applies: and it applies to such territory as the territory of a state, and not as that of the United States. The next circumstance to be attended to is, that the people



composing this Union are the people of the several states, and not of the United States, in the full sense of a consolidated government. The militia are the militia of the several states; lands are held under the laws of the states; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States made under and in conformity with the powers vested in Congress, and of the laws of nations, are regulated by state laws. This enumeration shows the great extent of the powers of the state governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property, and of personal liberty, are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show that the great office of the Constitution of the United States is to unite the states together under a government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which a national government, thus formed, alone could be competent.

“This view of the exclusive jurisdiction of the several states over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers granted to Congress, to which a more particular attention is now due. Of these, the right to declare war is perhaps the most important, as well by the consequences attending war as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies and a navy, and to call forth and govern the militia when in the service of the United States, are altogether of the latter kind. They are granted in aid of the power to make war, and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits and upon the resources of the states than any of the other powers; but still they are means only for given ends. War is declared, and must be maintained. An army and a navy must be raised, fortifications must be erected for the common defense, debts must be paid. For these purposes, duties, imposts, and excises are levied; taxes are laid; the lands, merchandise, and other property of the citizens are liable for them; the money is not paid, seizures are made, and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them, as the former proprietors did, under the laws of the individual states. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the general government over persons. The militia is called into the service of the United States; the service is performed; the corps returns to the state to which it belongs; it is the militia of such state, and not of the United States. Soldiers are required for the army, who may be obtained by voluntary enlistment, or by some other process, founded in the principles of equality. In either case, the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the nation. In all these cases, which are the strongest that can be given, we see that the right of the general government is nothing more than what it is called in the Constitution, a power to perform certain acts, and that the subject on which it operates is a mean only to that end; that it was, both before and after that act, under the protection and subject to the laws of the individual state within which it was.

“To the other powers of the general government the same remarks are applicable, and with greater force. The right to regulate commerce with foreign powers was necessary, as well to enable Congress to lay and collect duties and

imposts, as to support the rights of the nation in the intercourse with foreign powers. It is executed at the ports of the several states, and operates almost altogether externally. The right to borrow and coin money, and to fix its value and that of foreign coin, are important to the establishment of the national government, and particularly necessary in support of the right to declare war, as, indeed, may be considered the right to punish piracy and felonies on the high seas, and offenses against the laws of nations. The right to establish a uniform rule of naturalization, and uniform laws respecting bankruptcies, seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country, the second to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual states. It is accomplished by granting patents to inventors and preserving models, which may be done exclusively within the federal district. The right to constitute courts inferior to the Supreme Court was a necessary consequence of the judiciary existing as a separate branch of the general government. Without such inferior court in every state, it would be difficult, and might even be impossible, to carry into effect the laws of the general government. The right to establish post-offices and post-roads is essentially of the same character. For political, commercial, and social purposes, it was important that it should be vested in the general government. As a mere matter of regulation, and nothing more, I presume, was intended by it, it is a power easily executed, and involving little authority within the states individually. The right to exercise exclusive legislation in all cases whatsoever over the federal district, and over forts, magazines, arsenals, dock-yards, and other needful buildings, with the consent of the state within which the same may be, is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the general government. Of this particular grant further notice will hereafter be taken.

"I shall conclude my remarks on this part of the subject by observing that the view which has been presented of the powers and character of the two governments is supported by the marked difference which is observable in the manner of their endowment. The state governments are divided into three branches, a legislative, executive, and judiciary, and the appropriate duties of each assigned to it, without any limitation of power, except such as is necessary to guard against abuse, in the form of bills of right. But in instituting the national government an entirely different principle was adopted and pursued. The government itself is organized, like the state governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole Constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers and fixes the character of the government of the United States. By this section it is declared that Congress shall have power,

"1st. To lay and collect taxes, duties, imposts, excises, &c.

"Having shown the origin of the state governments, and their endowments when first formed; having also shown the origin of the national government and the powers vested in it; and having shown, lastly, the powers which are admitted to have remained to the state governments after those which were taken from them by the national government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement, by roads and canals, has been vested in the United States.

"Before we can determine whether this power has been granted to the general government, it will be necessary to ascertain, distinctly, the nature and ex-

tent of the power requisite to make such improvements. When that is done, we shall be able to decide whether such power is vested in the national government.

"If the power existed, it would, it is presumed, be executed by a board of skillful engineers, on a view of the whole Union, on a plan which would secure complete effect to all the great purposes of our Constitution. It is not my intention, however, to take up the subject here on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the City of Washington to Baltimore, and to connect the Chesapeake Bay with the Delaware, and the Delaware with the Raritan by a canal; what must be done to carry the project into effect? I make here no question of the existing power; I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route in the most direct line, paying due regard to heights, water-courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell or should ask an exorbitant price, by condemning the property, and fixing its value by a jury of the vicinage.

"The next object to be attended to, after the road and canal are laid out and made, is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries; of pulling down walls that are made to sustain the road; of breaking the bridges over water-courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands, and commit those acts of violence and waste from revenge, or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed, and are still complained of, on the road from Cumberland to the Ohio. To accomplish this object, Congress should have a right to pass laws to punish offenders wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night, and fly far off before the sun appeared. The power to punish these culprits must therefore reach them wherever they go. They must also be made amenable to competent tribunals, federal or state. The power must likewise extend to another object, not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls, and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements, and the repairs which they necessarily require. Congress must therefore have power to make such an establishment, and to support it by such regulations, with fines and penalties in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the states individually, and it must be possessed by the United States, or the pretension must be abandoned.

"Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price, or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognized and acted on by all the state governments, that, in cases of this kind, the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount, and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.



“The next object is to preserve these improvements from injury. The locks of the canal are broken; the walls which sustained the road are pulled down; the bridges are broken; the road itself is plowed up; toll is refused to be paid; the gates of the canal or turnpike are forced. The offenders are pursued, caught and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier that may serve to secure them from punishment. They will plead that the law, under which they stand arraigned, is unconstitutional, and the question must be decided by the court, whether federal or state, on a fair investigation of the powers vested in the general government by the Constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted; and by their acquittal, all claim to the right to establish such a system is at an end.

“I have supposed an opposition to be made to the right in Congress by the owner of the land, and other individuals charged with breaches of statutes made to protect the work from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A state, also, may contest the right, and then the controversy assumes another character. Government might contend against government; for, to a certain extent, both the governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed; and, should a contest arise between them respecting their rights, and the people sustain it with any thing like an equal division of numbers, the worst consequences might ensue.

“It may be urged that the opposition suggested by the owner of the land, or by the states individually, may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals; or, by the accommodation afforded to individual states, put down opposition on their part. Congress must be able rightfully to control all opposition, or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury; tolls must be collected; offenders must be punished. With these culprits no bargain can be made. When brought to trial, they must deny the validity of the law, and that plea being sustained, all claim to the right ceases.

“If the United States possess this power, it must be either because it has been specifically granted, or that it is incidental and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: 1st, the right to establish post-offices and post-roads; 2d, to declare war; 3d, to regulate commerce among the several states; 4th, from the power to pay the debts and provide for the common defense and general welfare of the United States; 5th, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the Constitution in the government of the United States, or in any department or officer thereof; 6th, and lastly, from the power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States. It is to be observed, that there is but little accord among the advocates for this power as to the particular source whence it is derived. They all agree, however, in ascribing it to some one or more of those above mentioned. I will examine the ground of the claim in each instance.

“The first of these grants is in the following words: ‘Congress shall have power to establish post-offices and post-roads.’ What is the first import of these words,

and the extent of the grant? The word 'establish' is the ruling term; 'post-offices and post-roads' are the subjects on which it acts. The question, therefore, is, What power is granted by that word? The sense in which words are commonly used is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail, and there is no better way of ascertaining it than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connection with public affairs, and whose minds were unprejudiced, what was the import of the word 'establish,' and the extent of the grant which it controls, we do not think that there would be any difference of opinion among them. We are satisfied that all of them would answer that a power was thereby given to Congress to fix on the towns, court-houses, and other places throughout our Union at which there should be post-offices; the routes by which the mails should be carried from one post-office to another, so as to diffuse intelligence as extensively, and to make the institution as useful as possible; to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the post-offices and mails from robbery, by punishing those who should commit the offense. The idea of a right to lay off the roads of the United States on a general scale of improvement; to take the soil from the proprietor by force; to establish turnpikes and tolls, and to punish offenders in the manner stated above, would never occur to any such person. The use of the existing road by the stage, mail-carrier, or post-boy, in passing over it as others do, is all that would be thought of; the jurisdiction and soil remaining to the state, with a right in the state, or those authorized by its Legislature, to change the road at pleasure.

"The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of government, the Confederation, we find a grant for the same purpose, expressed in the following words: 'The United States, in Congress assembled, shall have the sole and exclusive right and power of establishing and regulating post-offices from one state to another, throughout the United States, and of exacting such postage on the papers passing through the same as may be requisite to defray the expenses of said post-office.' The term 'establish' was likewise the ruling one in that instrument, and was evidently intended and understood to give a power simply and solely to fix where there should be post-offices. By transferring this term from the Confederation into the Constitution, it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to post-offices and post-roads. In whatever sense it is applied to post-offices, it must be applied in the same sense to post-roads. But it may be asked, if such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The Confederation being a bond of union between independent states, it was necessary, in granting the powers which were to be exercised over them, to be very explicit and minute in defining the powers granted. But the Constitution, to the extent of its powers, having incorporated the states into one government, like the government of the states individually, fewer words in defining the powers granted by it were not only adequate, but, perhaps, better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more enlarged power in the Constitution than had been granted in the Confederation, surely the same controlling term would not have been used, or other words would have been added to show such intention, and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the Constitution by this term, to include in it all the powers that were granted in the Confederation, by terms which specifically defined and (as was supposed) extended their limits.



"It would be absurd to say that, by omitting from the Constitution any portion of the phraseology which was deemed important in the Confederation, the import of the term was enlarged, and with it the powers of the Constitution, in a proportional degree, beyond what they were in the Confederation. The right to exact postage, and to protect the post-offices and mails from robbery by punishing the offenders, may fairly be considered as incident to the grant, since without it the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this, the doctrine of incidental power can not be carried.

"If we go back to the origin of our settlements and institutions, and trace their progress down to the Revolution, we shall see that it was in this sense, and none other, that the power was exercised by all our colonial governments. Post-offices were made for the country, and not the country for them. They are the offspring of improvement, they never go before it. Settlements are first made, after which the progress is uniform and simple, extending to objects in regular order, most necessary to the comfort of man—schools, places of worship, court-houses, and markets; post-offices follow. Roads may, indeed, be said to be coeval with settlements. They lead to all the places mentioned, and to every other which the various and complicated interests of society require.

"It is believed that not one example can be given, from the first settlement of our country to the adoption of this Constitution, of a post-office being established without a view to existing roads, or of a single road having been made by pavement, turnpike, &c., for the sole purpose of accommodating a post-office. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States, it was undoubtedly intended by the framers and ratifiers of the Constitution to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

"This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns, and in other places where the population is dense, stages are preferred, because they afford an additional opportunity to make a profit from passengers. But where the population is sparse, and no cross-roads, it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union with nearly as much economy and greater dispatch on horseback than in a stage, and in many parts with much greater. In every part of the Union in which stages can be preferred, the roads are sufficiently good, provided those which serve for every other purpose will accommodate them. In every other part, where horses alone are used, if other people pass them on horseback, surely the mail carrier can. For an object so simple and so easy in the execution, it would doubtless excite surprise if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

"If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual states for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them? Might they not establish turnpikes, and exercise all the other acts of sovereignty above stated over such roads, necessary to protect them from injury and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed as soon as the road was es-

tablished. The absurdity of such a pretension must be apparent to all who examine it. In this way, a large portion of the territory of every state might be taken from it, for there is scarcely a road in any state which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

"From this view of the subject, I think we may fairly conclude that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish post-offices and post-roads; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

"The next object of inquiry is whether the right to declare war includes the right to adopt and execute this system of improvement. The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

"Under the last-mentioned grant, a claim has been set up to as much of that system as relates to roads. Under this it extends alike to roads and canals.

"We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual states, and to vest it in the general government. This has been done in clear and explicit terms; first, by granting the power to Congress, and, secondly, by prohibiting the exercise of it by the states. Congress shall have a right to declare war. This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals.

"The following considerations, it is presumed, prove incontestably that this power has not been granted in that or any other manner.

"The United States are exposed to invasion, through the whole extent of their Atlantic coast, by any European power with whom we might be engaged in war; on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain, or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power, as it exists, must apply to all the roads of the Union, there being no limitation to it. Whenever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations or mitigate the calamities of war along the coast or in any part of the interior, they would be useful for military purposes, and might therefore be made.

"The power following as an incident to another power can be measured, as to its extent, by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

"If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right, or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan; to raise and support armies and a navy; to provide for calling forth, arming, disciplining, and governing the militia when in the service of the United States; establishing fortifications, and governing the troops stationed in them independently of the state authorities, and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers then would, of necessity and by common consent, have fallen within the right to declare war, had it been intend-

ed to convey, by way of incident to that right, the necessary powers to maintain war. But these powers have all been granted specifically with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers, it is manifest that every power was thus granted which it was intended to grant for military purposes, and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

"By the sixteenth of the enumerated powers, article 1, section 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may, by cession of particular states, and the acceptance of Congress, not exceeding ten miles square, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other useful buildings. If any doubt existed on a view of the other parts of the Constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown, after the most liberal construction of all the enumerated powers of the general government, that the territory within the limits of the respective states belonged to them; that the United States had no right, under the powers granted to them, with the exception specified in this grant, to any the smallest portion of territory within a state, all those powers operating on a different principle, and having their full effect, without impairing, in the slightest degree, this right in the states; that those powers were, in every instance, means to ends, which, being accomplished, left the subject, that is, the property, in which light only land could be regarded, where it was before—under the jurisdiction and subject to the laws of the state governments.

"The second member of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers; for, had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a state, it would have been done as to fortifications, magazines, arsenals, dock-yards, and other needful buildings. By specifically granting the right as to such small portions of territory as might be necessary for these purposes, and on certain conditions, minutely and well defined, it is manifest that it was not intended to grant it, as to any other portion, on any condition, for any purpose, or in any manner whatsoever.

"It may be said that, although the authority to exercise exclusive legislation in certain cases within the states, with their consent, may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power within a state as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a state can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except in fortifications, dock-yards, and the like places. If the soldiers are in the field, or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased, and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the state. More freedom of action, and a wider range of power in the military commanders, to be exercised on their own responsibility, may be neces-

sary to the public safety; but even here the civil authority of the state never ceases to operate. It is also exclusive for all civil purposes.

“Whether any power short of that stated would be adequate to the purposes of internal improvement, is denied. In the case of territory, one government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such a manner as to admit that of the state in all cases and for all purposes not necessary to the execution of the proposed power. But the right of the general government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, &c., &c. It must be a complete right to the extent above stated, or it will be of no avail. That right does not exist.

“The reasons which operate in favor of the right of exclusive legislation in forts, dock-yards, &c., do not apply to any other plans. The safety of such works, and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls, and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: *First*, The ground must be requisite for, and be applied to, those purposes. *Second*. It must be purchased. *Third*. It must be purchased by the consent of the state in which it may be. When we find that so much care has been taken to protect the sovereignty of the states over the territory within their respective limits, admitting that of the United States over such small portions, and for such special and important purposes only, the conclusion is irresistible, not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

“I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: ‘Congress shall have power to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.’ The reasoning applicable to the preceding claims is equally so to this. The mischief complained of was, that this power could not be exercised with advantage by the individual states, and the object was to transfer it to the United States. The sense in which the power was understood and exercised by the states was doubtless that in which it was transferred to the United States.

“The policy was the same as to three branches of this grant, and it is scarcely possible to separate the first two from each of the others, in any view which may be taken of the subject. The last, relating to the Indian tribes, is of a nature distinct from the others, for reasons too well known to require explanation. Commerce between independent powers or communities is universally regulated by duties and imposts. It was so regulated by the states before the adoption of this Constitution, equally in respect to each other and to foreign powers. The goods and vessels employed in the trade are the only subjects of regulation. It can act on none other. A power, then, to impose such duties and imposts in regard to foreign nations, and to prevent any on the trade between the states, was the only power granted.

“If we refer to the causes which produced the adoption of this Constitution, we shall find that injuries resulting from the regulation of trade by the states respectively, and the advantages anticipated from the transfer of the power to Congress, were among those which had the most weight. Instead of acting as a nation in regard to foreign powers, the states, individually, had commenced a system of re-



straint on each other, whereby the interests of foreign powers were promoted at their expense. If one state imposed high duties on the goods or vessels of a foreign power, to countervail the regulations of such power the next adjoining states imposed lower duties, to invite those articles into their ports, that they might be transferred thence into the other states, securing the duties to themselves. This contracted policy in some of the states was soon counteracted by others. Restraints were immediately laid on such commerce by the suffering states, and thus had grown up a state of affairs disorderly and unnatural, the tendency of which was to destroy the Union itself, and with it all hope of realizing those blessings which we had anticipated from the glorious revolution which had been so recently achieved. From this deplorable dilemma, or rather certain ruin, we were happily rescued by the adoption of the Constitution.

"Among the first and most important effects of this great Revolution was the complete abolition of this pernicious policy. The states were brought together by the Constitution, as to commerce, into one community, equally in regard to foreign nations and each other. The regulations that were adopted regarded us, in both respects, as one people. The duties and imposts that were laid on vessels and merchandise of foreign nations were all uniform throughout the United States, and in the intercourse between the states themselves, no duties of any kind were imposed other than between different ports and counties within the same state.

"This view is supported by a series of measures, all of a marked character, preceding the adoption of the Constitution. As early as the year 1781, Congress recommended it to the states to vest in the United States a power to levy a duty of five per cent. on all goods imported from foreign countries into the United States for the term of fifteen years. In 1783, this recommendation, with alterations as to the kind of duties, and an extension of this term to twenty-five years, was repeated and more earnestly urged. In 1784 it was recommended to the states to authorize Congress to prohibit, under certain modifications, the importation of goods from foreign powers into the United States for fifteen years. In 1785 the consideration of the subject was resumed, and a proposition presented in a new form, with an address to the states explaining fully the principles on which a grant of the power to regulate trade was deemed indispensable. In 1786, a meeting took place at Annapolis of delegates from several of the states on this subject, and on their report a convention was formed at Philadelphia the ensuing year, from all the states, to whose deliberations we are indebted for the present Constitution.

"In none of these measures was the subject of internal improvement mentioned, or even glanced at. Those of 1784, '5, '6, and '7, leading step by step to the adoption of the Constitution, had in view only the obtaining of a power to enable Congress to regulate trade with foreign powers. It is manifest that the regulation of trade with the several states was altogether a secondary object, suggested by and adopted in connection with the other. If the power necessary to this system of improvement is included under either branch of this grant, I should suppose that it was the first rather than the second. The pretension to it, however, under that branch has never been set up. In support of the claim under the second, no reason has been assigned which appears to have the least weight.

"The fourth claim is founded on the right of Congress to 'pay the debts, and provide for the common defense and general welfare' of the United States. This claim has less reason on its side than either of those which we have already examined. The power of which this forms a part is expressed in the following words: 'Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.'

"That the second part of this grant gives a right to appropriate the public money, and nothing more, is evident from the following considerations: First. If the right of appropriation is not given by this clause, it is not given at all, there being no other grant in the Constitution which gives it directly, or which has any bearing on the subject, even by implication, except the two following: first, the prohibition, which is contained in the eleventh of the enumerated powers, not to appropriate money for the support of armies for a longer term than two years; and, secondly, the declaration in the sixth member or clause of the ninth section of the first article, that no money shall be drawn from the treasury but in consequence of appropriations made by law. Secondly. This part of the grant has none of the characteristics of a distinct and original power. It is manifestly incidental to the great objects of the first branch of the grant, which authorizes Congress to lay and collect taxes, duties, imposts, and excises: a power of vast extent, not granted by the Confederation, the grant of which formed one of the principal inducements to the adoption of this Constitution. If both parts of the grant are taken together, as they must be, for the one follows immediately after the other in the same sentence, it seems to be impossible to give to the latter any other construction than that contended for. Congress shall have power to lay and collect taxes, duties, imposts, and excises. For what purpose? To pay the debts, and provide for the common defense and general welfare of the United States: an arrangement and phraseology which clearly show that the latter part of the clause was intended to enumerate the purposes to which the money thus raised might be appropriated. Thirdly. If this is not the real object and fair construction of the second part of this grant, it follows either that it has no import or operation whatever, or one of much greater extent than the first part.

"This presumption is evidently groundless in both instances; in the first, because no part of the Constitution can be considered as useless, no sentence or clause in it without a meaning. In the second, because such a construction as made the second part of the clause an original grant, embracing the same object with the first, but with much greater power than it, would be in the highest degree absurd. The order generally observed in grants—an order founded in common sense, since it promotes a clear understanding of their import—is to grant the power intended to be conveyed in the most full and explicit manner, and then to explain or qualify it, if explanation or qualification should be necessary. This order has, it is believed, been invariably observed in all the grants contained in the Constitution. In the second, because, if the clause in question is not construed merely as an authority to appropriate the public money, it must be obvious that it conveys a power of indefinite and unlimited extent; that there would have been no use for the special powers to raise and support armies and a navy, to regulate commerce, to call forth the militia, or even to lay and collect taxes, duties, imposts, and excises. An unqualified power to pay the debts, and provide for the common defense and general welfare, as the second part of this clause would be, if considered as a distinct and separate grant, would extend to every object in which the public could be interested. A power to provide for the common defense would give to Congress the command of the whole force, and of all the resources of the Union; but a right to provide for the general welfare would go much farther. It would, in effect, break down all the barriers between the states and the general government, and consolidate the whole under the latter.

"The powers specifically granted to Congress are what are called the enumerated powers, and are numbered in the order in which they stand, among which that contained in the first clause holds the first place in point of importance. If the power created by the latter part of the clause is considered an original grant, unconnected with and independent of the first, as in that case it must be, then the

first part is entirely done away, as are all the other grants in the Constitution, being completely absorbed in the transcendent power granted in the latter part. But if the clause be construed in the sense contended for, then every part has an important meaning and effect; not a line, a word in it is superfluous. A power to lay and collect taxes, duties, imposts, and excises, subjects to the call of Congress every branch of the public revenue, internal and external; and the addition, to pay the debts, and provide for the common defense and general welfare, gives the right of applying the money raised, that is, of appropriating it to the purposes specified, according to a proper construction of the terms. Hence it follows that it is the first part of the clause only which gives a power which affects in any manner the power remaining to the states, as the power to raise money from the people, whether it be by taxes, duties, imposts, or excises, though concurrent in the states as to taxes and excises, must necessarily do. But the use or application of the money, after it is raised, is a power altogether of a different character.

"It imposes no burden on the people, nor can it act on them in a sense to take power from the states, or in any sense in which power can be controverted or become a question between the two governments. The application of money, raised under a lawful power, is a right or grant which may be abused. It may be applied partially among the states, or to improper purposes in our foreign and domestic concerns; but still it is a power not felt in the sense of other powers, since the only complaint which any state can make of such partiality and abuse is, that some other state or states have obtained greater benefit from the application than by a just rule of apportionment they were entitled to. The right of appropriation is therefore, from its nature, secondary and incidental to the right of raising money, and it was proper to place it in the same grant and same clause with that right. By finding them, then, in that order, we see a new proof of the sense in which the grant was made, corresponding with the view herein taken of it.

"The last part of this grant, which provides that all duties, imposts, and excises shall be uniform throughout the United States, furnishes another strong proof that it was not intended that the second part should constitute a distinct grant, in the sense above stated, or convey any other right than that of appropriation. This provision operates exclusively on the power granted in the first part of the clause. It recites three branches of that power, duties, imposts, and excises—those only on which it could operate; the rule by which the fourth, that is, taxes, should be laid, being already provided for in another part of the Constitution. The object of this provision is to secure a just equality among the states in the exercise of that power by Congress. By placing it after both the grants, that is, after that to raise and that to appropriate the public money, and making it apply to the first only, shows that it was not intended that the power granted in the second should be paramount to and destroy that granted in the first. It shows, also, that no such formidable power as that suggested had been granted in the second, or any power against the abuse of which it was thought necessary specially to provide. Surely, if it was deemed proper to guard a specific power of limited extent and well-known import against injustice and abuse, it would have been much more so to have guarded against the abuse of a power of such vast extent, and so indefinite, as would have been granted by the second part of the clause, if considered as a distinct and original grant.

"With this construction, all the other enumerated grants, and, indeed, all the grants of power contained in the Constitution, have their full operation and effect. They all stand well together, fulfilling the great purposes intended by them. Under it we behold a great scheme, consistent in all its parts—a government instituted for national purposes, vested with adequate powers for those purposes, commencing with the most important of all, that of revenue, and proceeding in reg-

ular order to the others with which it was deemed proper to endow it; all, too, drawn with the utmost circumspection and care. How much more consistent is this construction with the great objects of the institution, and with the high character of the enlightened and patriotic citizens who framed it, as well as of those who ratified it, than one which subverts every sound principle and rule of construction, and throws every thing into confusion.

"I have dwelt thus long on this part of the subject from an earnest desire to fix, in a clear and satisfactory manner, the import of the second part of this grant, well knowing, from the generality of the terms used, their tendency to lead into error. I indulge a strong hope that the view herein presented will not be without effect, but will tend to satisfy the unprejudiced and impartial that nothing more was granted by that part than a power to *appropriate* the public money raised under the other part. To what extent that power may be carried will be the next object of inquiry.

"It is contended, on the one side, that as the national government is a government of limited powers, it has no right to expend money except in the performance of acts authorized by the other specific grants, according to a strict construction of their powers; that this grant, in neither of its branches, gives to Congress discretionary power of any kind, but is a mere instrument in its hands to carry into effect the powers contained in the other grants. To this construction I was inclined in the more early stage of our government, but on further reflection and observation my mind has undergone a change, for reasons which I will frankly unfold.

"The grant consists, as heretofore observed, of a twofold power, the first to raise, and the second to appropriate the public money, and the terms used in both instances are general and unqualified. Each branch was obviously drawn with a view to the other, and the import of each tends to illustrate that of the other. The grant to raise money gives a power over every subject from which revenue may be drawn, and is made in the same manner with the grants to declare war, to raise and support armies and a navy, to regulate commerce, to establish post-offices and post-roads, and with all other specific grants to the general government. In the discharge of the powers contained in any of these grants, there is no other check than that which is to be found in the great principle of our system, the responsibility of the representative to his constituents. If war, for example, is necessary, and Congress declare it for good cause, their constituents will support them in it. A like support will be given them for the faithful discharge of their duties under any and every other power vested in the United States. It affords to the friends of our free governments the most heartfelt consolation to know, and from the best evidence, on our own experience, that, in great emergencies, the boldest measures, such as form the strongest appeals to the virtue and patriotism of the people, are sure to obtain their most decided approbation. But should the representative act corruptly and betray his trust, or otherwise prove that he was unworthy of the confidence of his constituents, he would be equally sure to lose it, and to be removed and otherwise censured, according to his deserts. The power to raise money by taxes, duties, imposts, and excises, is alike unqualified, nor do I see any check on the exercise of it, other than that which applies to the other powers above recited, the responsibility of the representative to his constituents. Congress knows the extent of the public engagements, and the sums necessary to meet them; they know how much may be derived from each branch of revenue without pressing it too far, and, paying due regard to the interests of the people, they likewise know which branch ought to be resorted to in the first instance. From the commencement of the government, two branches of this power, duties and imposts, have been in constant operation, the revenue from which has sup-



ported the government in its various branches and met its ordinary engagements. In great emergencies the other two—taxes and excises—have likewise been resorted to, and neither was the right nor the policy ever called in question.

“If we look to the second branch of this power, that which authorizes the appropriation of the money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than ‘to pay the debts, and provide for the common defense and general welfare,’ could not have been used. So intimately connected with, and dependent on each other, are these two branches of power, that, had either been limited, the limitation would have had the like effect on the other. Had the power to raise money been conditional, or restricted to special purposes, the appropriation must have corresponded with it, for none but the money raised could be appropriated, nor could it be appropriated to other purposes than those which were permitted. On the other hand, if the right of appropriation had been restricted to certain purposes, it would be useless and improper to raise more than would be adequate to those purposes. It may fairly be inferred that these restraints or checks have been carefully and intentionally avoided. The power in each branch is alike broad and unqualified, and each is drawn with peculiar fitness to the other, the latter requiring terms of great extent and force to accommodate the former, which have been adopted, and both placed in the same clause and sentence. Can it be presumed that all these circumstances were so nicely adjusted by mere accident? Is it not more just to conclude that they were the result of due deliberation and design? Had it been intended that Congress should be restricted in the appropriation of the public money to such expenditures as were authorized by a rigid construction of the other specific grants, how easy would it have been to have provided for it by the declaration to that effect. The omission of such declaration is, therefore, an additional proof that it was not intended that the grant should be so construed.

“It was evidently impossible to have subjected this grant, in either branch, to such restriction, without exposing the government to very serious embarrassment. How carry it into effect! If the grant had been made in any degree dependent upon the states, the government would have experienced the fate of the Confederation. Like it, it would have withered and soon perished. Had the Supreme Court been authorized, or should any other tribunal, distinct from the government, be authorized to interpose its veto, and to say that more money had been raised under either branch of this power—that is, by taxes, duties, imposts, or excises—than was necessary; that such a tax or duty was useless; that the appropriation to this or that purpose was unconstitutional, the movement might have been suspended, and the whole system disorganized. It was impossible to have created a power within the government, or any other power distinct from Congress and the executive, which should control the movement of the government in this respect, and not destroy it. Had it been declared by a clause in the Constitution that the expenditures under this grant should be restricted to the construction which might be given of the other grants, such restraint, though the most innocent, could not have failed to have had an injurious effect on the vital principles of the government, and often on its most important measures. Those who might wish to defeat a measure proposed might construe the power relied on in support of it in a narrow and contracted manner, and in that way fix a precedent inconsistent with the true import of the grants. At other times, those who favored a measure might give to the power relied on a forced or strained construction, and, succeeding in the object, fix a precedent in the opposite extreme. Thus it is manifest that, if the right of appropriation be confined to that limit, measures may oftentimes be carried or defeated by considerations and motives altogether independent of and unconnected with their merits, and the several powers of Con-

gress receive constructions equally inconsistent with their true import. No such declaration, however, had been made, and, from the fair import of the grant, and, indeed, its positive terms, the inference that such was intended seems to be precluded.

“Many considerations of great weight operate in favor of this construction, while I do not perceive any serious objection to it. If it be established, it follows that the words ‘to provide for the common defense and general welfare’ have a definite, safe, and useful meaning. The idea of their forming an original grant, with unlimited power, superseding every other grant, is abandoned. They will be considered simply as conveying a right of appropriation, a right indispensable to that of raising a revenue, and necessary to expenditures under every grant. By it, as already observed, no new power will be taken from the states, the money to be appropriated being raised under a power already granted to Congress. By it, too, the motive for giving a forced or strained construction to any of the other specific grants will in most instances be diminished, and in many utterly destroyed. The importance of this consideration can not be too highly estimated, since, in addition to the examples already given, it ought particularly to be recollected that, to whatever extent any specific power may be carried, the right of jurisdiction goes with it, pursuing it through all its incidents. The very important agency which this grant has in carrying into effect every other grant, is a strong argument in favor of the construction contended for. All the other grants are limited by the nature of the offices which they have severally to perform, each conveying a power to do a certain thing, and that only, whereas this is co-extensive with the great scheme of the government itself. It is the lever which raises and puts the whole machinery in motion, and continues the movement. Should either of the other grants fail in consequence of any condition or limitation attached to it, or misconstruction of its powers, much injury might follow, but still it would be the failure of one branch of power, of one item in the system only. All the others might move on. But should the right to raise and appropriate the public money be improperly restricted, the whole system might be sensibly affected, if not disorganized. Each of the other grants is limited by the nature of the grant itself; this by the nature of the government only. Hence it became necessary that, like the power to declare war, this power should be commensurate with the great scheme of the government, and with all its purposes.

“If, then, the right to raise and appropriate the public money is not restricted to the expenditures under the other specific grants, according to a strict construction of their powers respectively, is there no limitation to it? Have Congress a right to raise and appropriate the public money to any and to every purpose, according to their will and pleasure? They certainly have not. The government of the United States is a limited government, instituted for great national purposes, and for those only. Other interests are committed to the states, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted, and confine itself to those purposes. A state government will rarely, if ever, apply money to national purposes, without making it a charge to the nation. The people of the state would not permit it. Nor will Congress be apt to apply money in aid of the state administrations, for purposes strictly local, in which the nation at large has no interest, although the states should desire it. The people of the other states would condemn it. They would declare that Congress had no right to tax them for such a purpose, and dismiss, at the next election, such of their representatives as had voted for the measure, especially if it should be severely felt. I do not think that, in offices of this kind, there is much danger of the two governments mistaking their inter-

ests or their duties. I rather expect that they would soon have a clear and distinct understanding of them, and move on in great harmony.

“ Good roads and canals will promote many very important national purposes. They will facilitate the operations of war, the movements of troops, the transportation of cannon, of provision, and every warlike store, much to our advantage, and to the disadvantage of the enemy in time of war. Good roads will facilitate the transportation of the mail, and thereby promote the purposes of commerce and political intelligence among the people. They will, by being properly directed to those objects, enhance the value of our vacant lands, a treasure of vast resource to the nation. To the appropriation of the public money to improvements having these objects in view, and carried to a certain extent, I do not see any well-founded constitutional objection.

“ In regard to our foreign concerns, provided they are managed with integrity and ability, great liberality is allowable in the application of the public money. In the management of these concerns no state interests can be affected, no state rights violated. The complete and exclusive control over them is vested in Congress. The power to form treaties of alliance and commerce with foreign powers; to regulate by law our commerce with them; to determine on peace or war; to raise armies and a navy; to call forth the militia and direct their operations, belongs to the general government. These great powers, embracing the whole scope of our foreign relations, being granted, on what principle can it be said that the minor are withheld? Are not the latter clearly and evidently comprised in the former? Nations are sometimes called upon to perform to each other acts of humanity and kindness, of which we see so many illustrious examples between individuals in private life. Great calamities make appeals to the benevolence of mankind which ought not to be resisted. Good offices in such emergencies exalt the character of the party rendering them. By exciting grateful feelings, they soften the intercourse between nations, and tend to prevent war. Surely, if the United States have a right to make war, they have a right to prevent it. How was it possible to grant to Congress a power for such minor purposes, other than in general terms, comprising it within the scope and policy of that which conveyed it for the greater?

“ The right of appropriation is nothing more than a right to apply the public money to this or that purpose. It has no incidental power, nor does it draw after it any consequences of that kind. All that Congress could do under it in the case of internal improvements, would be to appropriate the money necessary to make them. For every act requiring legislative sanction or support, the state authority must be relied on. The condemnation of the land, if the proprietors should refuse to sell it; the establishment of turnpikes and tolls, and the protection of the work when finished, must be done by the state. To these purposes the powers of the general government are believed to be utterly incompetent.

“ To the objection that the United States have no power, in any instance, which is not complete to all the purposes to which it may be made instrumental, and, in consequence, that they have no right to appropriate any portion of the public money to internal improvements because they have not the right of sovereignty and jurisdiction over them when made, a full answer has, it is presumed, been already given. It may, however, be proper to add, that if this objection was well founded, it would not be confined to the simple case of internal improvements, but would apply to others of high importance. Congress have a right to regulate commerce. To give effect to this power, it becomes necessary to establish custom-houses in every state along the coast, and in many parts of the interior. The vast amount of goods imported, and the duties to be performed to accommodate the merchants and secure the revenue, make it necessary that spacious buildings

should be erected, especially in the great towns, for their reception; this, it is manifest, could best be performed under the direction of the general government. Have Congress the right to seize the property of individuals, if they should refuse to sell it, in quarters best adapted to the purpose, to have it valued, and to take it at the valuation? Have they a right to exercise jurisdiction within those buildings? Neither of these claims has ever been set up, nor could it, as is presumed, be sustained. They have invariably either rented houses, where such as were suitable could be obtained, or, where they could not, purchased the ground of individuals, erected the buildings, and held them under the laws of the state. Under the power to establish post-offices and post-roads, houses are also requisite for the reception of the mails and the transaction of the business of the several offices. These have always been rented or purchased, and held under the laws of the state in the same manner as if they had been taken by a citizen. The United States have a right to establish tribunals inferior to the Supreme Court, and such have been established in every state of the Union. It is believed that the houses for these inferior courts have invariably been rented. No right of jurisdiction in them has ever been claimed, nor other right than that of privilege, and that only while the court was in session. A still stronger case may be urged. Should Congress be compelled, by invasion or other cause, to remove the government to some town within one of the states, would they have a right of jurisdiction over each town, or to hold even the house in which they held their session under other authority than the laws of such state? It is believed that they would not. If they have a right to appropriate money for any of these purposes, to be laid out under the protection of the laws of the state, surely they have an equal right to do it for the purpose of internal improvements.

"It is believed that there is not a corporation in the Union which does not exercise great discretion in the application of the money raised by it to the purposes of its institution. It would be strange if the government of the United States, which was instituted for such important purposes, and endowed with such extensive powers, should not be allowed at least equal discretion and authority. The evil to be particularly avoided is the violation of state rights; shunning that, it seems to be reasonable and proper that the powers of Congress should be so construed as that the general government, in its intercourse with other nations, and in our internal concerns, should be able to adopt all such measures lying within the fair scope, and intended to facilitate the direct objects of its powers, as the public welfare may require and a sound and provident policy dictate.

"The measures of Congress have been in strict accord with the view taken of the right of appropriation, both as to its extent and limitation, as will be shown by a reference to the laws, commencing at a very early period. Many roads have been opened, of which the following are the principal: The first, from Cumberland, at the head waters of the Potomac, in the State of Maryland, through Pennsylvania and Virginia, to the State of Ohio, March 29th, 1805. See vol. iv., page 13, of the late edition of the laws.

"The second, from the frontiers of Georgia, on the route from Athens to New Orleans, to its intersection with the thirty-first degree of north latitude, April 31st, 1806, page 58. The third, from Mississippi, at a point and by a route described, to the Ohio, same act. The fourth, from Nashville, in Tennessee, to Natchez, same act. The fifth, from the thirty-first degree of north latitude, on the route from Athens to New Orleans, under such regulations as might be agreed on between the executive and the Spanish government, March 3d, 1807, page 117. The sixth, from the foot of the Rapids of the River Miami, of Lake Erie, to the western line of the Connecticut Reserve, December 12th, 1811, page 364. The seventh, from the Lower Sandusky to the boundary line established by the treaty



of Greenville, same act. The eighth, from a point where the United States Road, leading from Vincennes to the Indian boundary line, established by the treaty of Greenville, strikes the said line, to the North Bend, in the State of Ohio, January 8th, 1812, page 367. The ninth, for repairing and keeping in repair the road between Columbia, on Dock River, in Tennessee, and Madisonville, in Louisiana; and also the road between Fort Hawkins, in Georgia, and Fort Stoddard, April 27th, 1816, page 104 of the acts of that year. The tenth, from the Shawnee town on the Ohio River to the Sabine, and to Kaskaskias, in Illinois, April 27th, 1816, page 112. The eleventh, from Reynoldsburg, on Tennessee River, in the State of Tennessee, through the Chickasaw nation, to intersect the Natchez Road near the Chickasaw old town, March 3d, 1817, page 252. The twelfth: by this act authority was given to the President to appoint three commissioners for the purpose of examining the country, and laying out a road from the termination of the Cumberland Road at Wheeling, on the Ohio, through the states of Ohio, Indiana, and Illinois, to a point to be chosen by them, on the left bank of the Mississippi, between St. Louis and the mouth of the Illinois River, and to report an accurate plan of the said road, with an estimate of the expense of making it. It is, however, declared by the act, that nothing was thereby intended to imply an obligation on the part of the United States to make, or defray the expense of making, the said road, or any part thereof.

"In the late war, two other roads were made by the troops for military purposes: one from the Upper Sandusky, in the State of Ohio, through the Black Swamp, toward Detroit, and another from Plattsburg, on Lake Champlain, through the Chatougue Woods toward Sackett's Harbor, which have since been repaired and improved by the troops. Of these latter there is no notice in the laws. The extra pay to the soldiers for repairing and improving those roads was advanced, in the first instance, from the appropriation to the quarter-master's department, and afterward provided for by a specific appropriation by Congress.

"The necessity of keeping those roads open and in good repair, being on the frontier, to facilitate a communication between our posts, is apparent.

"All of these roads, except the first, were formed merely by cutting down the trees, and throwing logs across, so as to make causeways over such parts as were otherwise impassable.

"The execution was of the coarsest kind. The Cumberland Road is the only regular work which has been undertaken by the general government, or which could give rise to any question between the two governments respecting its powers. It is a great work, over the highest mountains in our Union, connecting, from the seat of government, the Eastern with the Western waters, and more intimately the Atlantic with the Western states, in the formation of which \$1,800,000 have been expended. The measures pursued in this case require to be particularly noticed, as fixing the opinion of the parties, and particularly of Congress, on the important question of the right. Passing through Maryland, Pennsylvania, and Virginia, it was thought necessary and proper to bring the subject before their respective Legislatures to obtain their sanction, which was granted by each state by a legislative act, approving the route, and providing for the purchase and condemnation of the land. This road was founded on an article of compact between the United States and the State of Ohio, under which that state came into the Union, and by which the expense attending it was to be defrayed by the application of a certain portion of the money arising from the sale of the public lands within the state. In this instance, which is by far the strongest in respect to the expense, extent, and nature of the work done, the United States have exercised no acts of jurisdiction or sovereignty within either of the states, by taking the land from the proprietors by force, by passing acts for the protection of the road,

or to raise a revenue from it by the establishment of turnpikes and tolls, or any other act founded on the principle of jurisdiction or right. Whatever they have done has, on the contrary, been founded on the opposite principle—on the voluntary and unqualified admission that the sovereignty belonged to the state, and not to the United States; and that they could perform no act which should tend to weaken the power of the state, or to assume any to themselves. All that they have done has been to appropriate the public money to the construction of this road, and to cause it to be constructed; for I presume that no distinction can be taken between the appropriation of money raised by the sale of the public lands, and of that which arises from taxes, duties, imposts, and excises; nor can I believe that the power to appropriate derives any sanction from a provision to that effect having been made by an article of compact between the United States and the people of the then Territory of Ohio. This point may, however, be placed in a clearer light by a more particular notice of the article itself.

“By an act of April 30th, 1802, entitled ‘An Act to enable the People of the Eastern Division of the Territory northwest of the River Ohio to form a Constitution and State Government, and for the Admission of such State into the Union on an equal Footing with the original States, and for other Purposes,’ after describing the limits of the proposed new state, and authorizing the people thereof to elect a convention to form a Constitution, the three following propositions were made to the Convention, to be obligatory on the United States if accepted by it: First, that section number sixteen of every township, or, where such section had been sold, other lands equivalent thereto, should be granted to the inhabitants of such township for the use of free-schools. Second, that the six miles’ reservation, including the salt-springs commonly called the ‘Sciota Salt Springs;’ the salt-springs near the Muskingum River, and in the military tract, with the sections which include the same, should be granted to the said state, for the use of the people thereof, under such regulations as the Legislature of the state should prescribe, provided that it should never sell or lease the same for more than ten years. Third, that one twentieth part of the proceeds of the public lands lying within the said state, which might be sold by Congress from and after the 30th of June ensuing; should be applied to the laying out and making public roads from the navigable waters emptying into the Atlantic, to the Ohio, and through the State of Ohio, such roads to be laid out under the authority of Congress, with the consent of the several states through which they should pass.

“These three propositions were made on the condition that the Convention of the state should provide, by an ordinance, irrevocable without the consent of the United States, that every tract of land sold by Congress after the 30th of June ensuing should remain, for the term of five years after sale, exempt from every species of tax whatsoever.

“It is impossible to read the ordinance of the 23d of April, 1784, or the provisions of the act of April 30th, 1802, which are founded on it, without being profoundly impressed with the enlightened and magnanimous policy which dictated them. Anticipating that the new states would be settled by the inhabitants of the original states and their offspring, no narrow or contracted jealousy was entertained of their admission into the Union, in equal participation in the national sovereignty with the original states. It was foreseen, at the early period at which that ordinance passed, that the expansion of our Union to the lakes, and to the Mississippi and all its waters, would not only make us a greater power, but cement the Union itself. These three propositions were well calculated to promote these great results. A grant of land to each township for free-schools, and of the salt-springs to the state, which were within its limits, for the use of its citizens, with five per cent. of the money to be raised from the sale of lands within

the state, for the construction of roads between the original states and the new state, and of other roads within the state, indicated a spirit not to be mistaken, nor could it fail to produce a corresponding effect in the bosoms of those to whom it was addressed. For these considerations, the sole return required of the Convention was, that the new state should not tax the public lands which might be sold by the United States within it for the term of five years after they should be sold. As the value of these lands would be enhanced by this exemption from taxes for that term, and from which the new state would derive its proportionable benefit, and as it would also promote the rapid sale of those lands, and with it the augmentation of its own population, it can not be doubted, had this exemption been suggested, unaccompanied by any propositions of particular advantage, that the Convention would, in consideration of the relation which had before existed between the parties, and was about to be so much improved, most willingly have acceded to it, and without regarding it as an onerous condition.

"Since, then, it appears that the whole of the money to be employed in making this road was to be raised from the sale of the public lands, and which would still belong to the United States, although no mention had been made of them in the compact, it follows that the application of the money to that purpose stands upon the same grounds as if such compact had not been made, and, in consequence, that the example in favor of the right of appropriation is in no manner affected by it.

"The same rule of construction of the right of appropriation had been observed, and the same liberal policy pursued toward the other new states, with certain modifications adapted to the situation of each, which were adopted with the State of Ohio. As, however, the reasoning which is applicable to the compact with Ohio, in relation to the right of appropriation, in which light only I have adverted to it, is equally applicable to the several compacts with the other new states, I deem it unnecessary to take a particular notice of them.

"It is proper to observe that the money which was employed in the construction of all the other roads was taken directly from the treasury. This fact affords an additional proof that, in the contemplation of Congress, no difference existed in the application of money to those roads, between that which was raised by the sale of lands and that which was derived from taxes, duties, imposts, and excises.

"So far I have confined my remarks to the acts of Congress respecting the right of appropriation to such measures only as operate internally, and affect the territory of the individual states. In adverting to those which operate externally, and relate to foreign powers, I find only two which appear to merit particular attention. These were gratuitous grants of money for the relief of foreigners in distress; the first in 1794, to the inhabitants of St. Domingo, who sought an asylum on our coast from the convulsions and calamities of the island; the second in 1812, to the people of Caraccas, reduced to misery by an earthquake. The considerations which were applicable to these grants have already been noticed, and need not be repeated.

"In this examination of the right of appropriation, I thought it proper to present to view, also, the practice of the government under it, and to explore the ground on which each example rested, that the precise nature and extent of the construction thereby given of the right might be clearly understood. The right to raise money would have given, as is presumed, the right to use it, although nothing had been said to that effect in the Constitution: and where the right to raise it is granted without special limitation, we must look for such limitation to other causes. Our attention is first drawn to the right to appropriate; and not finding it there, we must then look to the general powers of the government, as designated by the specific grants, and to the purposes contemplated by them,

allowing to this, the right to raise money, the first and most important of the enumerated powers, a scope which will be competent to those purposes. The practice of the government, as illustrated by numerous and strong examples directly applicable, ought surely to have great weight in fixing the construction of each grant. It ought, I presume, to settle it, especially where it is acquiesced in by the nation, and produces a manifest and positive good. A practical construction thus supported shows that it has reason on its side, and is called for by the interests of the Union. Hence, too, the presumption that it will be persevered in. It will surely be better to admit that the construction given by these examples has been just and proper, than to deny that construction, and still to practice on it—to say one thing, and do another.

“Wherein consists the danger of giving a liberal construction to the right of Congress to raise and appropriate the public money? It has been shown that its obvious effect is to secure the rights of the states from encroachment, and greater harmony in the political movement between the two governments, while it enlarges, to a certain extent, in the most harmless way, the useful agency of the general government for all the purposes of its institution. Is not the responsibility of the representative to his constituent in every branch of the general government equally strong and as sensibly felt as in the state governments? and is not the security against abuse as effectual in the one as in the other government? The history of the general government, in all its measures, fully demonstrates that Congress will never venture to impose unnecessary burdens on the people, or any that can be avoided. Duties and imposts have always been light; not greater, perhaps, than would have been imposed for the encouragement of our manufactures, had there been no occasion for the revenue arising from them; and taxes and excises have never been laid, except in cases of necessity, and repealed as soon as the necessity ceased. Under this mild process, and the sale of some hundreds of millions of acres of good land, the government will be possessed of money, which may be applied with great advantage to national purposes. Within the states only will it be applied, and, of course, for their benefit, it not being presumable that such appeals as were made to the benevolence of the country in the instance of the inhabitants of St. Domingo and Caraccas will often occur. How, then, shall this revenue be applied? Should it be idle in the treasury? That our resources will be equal to such useful purposes, I have no doubt, especially if, by completing our fortifications, and raising and maintaining our navy at the point provided for immediately after the war, we sustain our present attitude, and preserve, by means thereof, for any length of time, the peace of the Union.

“When we hear charges raised against other governments of breaches of their Constitutions, or, rather, of their charters, we always anticipate the most serious consequences; communities deprived of privileges which they have long enjoyed, or individuals oppressed and punished in violation of the ordinary forms and guards of trial to which they were accustomed and entitled. How different is the situation of the United States! Nor can any thing mark more strongly the great characteristics of that difference than the grounds on which like charges are raised against this government. It is not alleged that any portion of the community or any individual has been oppressed, or that money has been raised under a doubtful title. The principal charges are, that a work of great utility to the Union, and affecting immediately and with like advantage many of the states, has been constructed; that pensions to the surviving patriots of our Revolution—to patriots who fought the battles and promoted the independence of their country, have been granted, by money, too, raised not only without oppression, but almost without being felt, and under an acknowledged constitutional power.



"From this view of the right to appropriate, and of the practice under it, I think that I am authorized to conclude that the right to make internal improvements has not been granted by the power 'to pay the debts, and provide for the common defense and general welfare,' included in the first of the enumerated powers; that that grant conveys nothing more than a right to appropriate the public money, and stands on the same ground with the right to lay and collect taxes, duties, imposts, and excises, conveyed by the first branch of that power; that the government itself being limited, both branches of the power to raise and appropriate the public moneys are also limited; the extent of the government, as designated by the specific grants, marking the extent of the power in both branches; extending, however, to every object embraced by the fair scope of those grants, and not confined to a strict construction of their respective powers, it being safer to aid the purposes of those grants by the appropriation of money, than to extend, by a forced construction, the grant itself; that, although the right to appropriate the public money to such improvements affords a resource indispensably necessary to such a scheme, it is nevertheless deficient as a power in the great characteristics on which its execution depends.

"The substance of what has been urged on this subject may be expressed in a few words. My idea is, that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense, and of general, not local—national, not state benefit.

"I will now proceed to the fifth source from which the power is said to be derived, viz., the power to make all laws which shall be necessary and proper for carrying into execution all the power vested by the Constitution in the government of the United States, or in any department or officer thereof. This is the 17th and last of the enumerated powers granted to Congress.

"I have always considered this power as having been granted on a principle of greater cation, to secure the complete execution of all the powers which had been vested in the general government. It contains no distinct and specific power, as every other grant does, such as to lay and collect taxes, to declare war, to regulate commerce, and the like. Looking to the whole scheme of the general government, it gives to Congress authority to make all laws which should be deemed necessary and proper for carrying all its powers into effect. My impression has been invariably, that this power would have existed substantially if this grant had not been made; for why is any power granted, unless it be to be executed when required, and how can it be executed under our government, unless it be by laws necessary and proper for the purpose, that is well adapted to the end? It is a principle universally admitted, that a grant of power conveys, as a necessary consequence, or incident to it, the means of carrying it into effect, by a fair construction of its import. In the formation, however, of a Constitution which was to act directly upon the people, and be paramount, to the extent of its powers, to the Constitution of the states, it was wise in its framers to leave nothing to implication which might be reduced to certainty. It is known that all power which rests solely on that ground has been systematically and zealously opposed under all governments with which we have any acquaintance; and it was reasonable to presume that, under our system, where there was a division of the sovereignty between two independent governments, the measures of the general government would excite equal jealousy, and produce an opposition not less systematic, though, perhaps, less violent. Hence the policy, by the framers of our government, of securing, by a fundamental declaration in the Constitution, a principle, which in all other governments had been left to implication only. The terms necessary and proper secure to the powers of all the grants, to which

the authority given in this is applicable, a fair and sound construction, which is equally binding as a rule on both governments and on all their departments.

"In examining the right of the general government to adopt and execute, under this grant, a system of internal improvement, the sole question to be decided is whether the power has been granted under any of the other grants. If it has, this power is applicable to it, to the extent stated. If it has not, it does not exist at all, for it has not been hereby granted. I have already examined all the other grants (one only excepted, which will next claim attention), and shown, as I presume, on the most liberal construction of their powers, that the right has not been granted by any of them. Hence it follows that, in regard to them, it has not been granted by this.

"I come now to the last source from which this power is said to be derived, viz., the power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States, which is contained in the second clause of the third section of the fourth article of the Constitution.

"To form a just opinion of the nature and extent of this power, it will be necessary to bring into view the provisions contained in the first clause of the section of the article referred to, which makes an essential part of the policy in question. By this it is declared that new states shall be admitted into the Union, but that no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned, as well as of the United States.

"If we recur to the condition of our country at the commencement of the Revolution, we shall see the origin and cause of these provisions. By the charters of the several colonies, limits, by latitude and other descriptions, were assigned to each. In commencing the Revolution, the colonies, as has already been observed, claimed by those limits, although their population extended, in many instances, to a small portion of the territory lying within them. It was contended by some of the states, after the Declaration of Independence, that the vacant lands lying within any of the states should become the property of the Union, as, by a common exertion, they would be acquired.

"This claim was resisted by the others, on the principle that all the states entered into the contest in the full extent of their chartered rights, and that they ought to have the full benefit of those rights in the event of success.

"Happily, this controversy was settled, as all interfering claims and pretensions between the members of our Union, and between the general government and any of those members have been, in the most amicable manner, and to the satisfaction of all parties. On the recommendation of Congress, the individual states having such territory within their chartered limits ceded large portions thereof to the United States, on condition that it should be laid off into districts of proper dimensions, the lands to be sold for the benefit of the United States, and that the districts be admitted into the Union when they should obtain such a population as it might be thought proper and reasonable to prescribe. This is the territory, and this the property referred to in the second clause of the fourth article of the Constitution.

"All the states which had made cessions of vacant territory, except Georgia, had made them before the adoption of the Constitution, and that state had made a proposition to Congress to that effect, which was under consideration at the time the Constitution was adopted. The cession was completed after the adoption of the Constitution. It was made on the same principle and on similar conditions with those which had been already made by the other states. As differences might arise respecting the right or the policy in Congress to admit new

states into the Union under the new government, or to make regulations for the government of the territory ceded in the intermediate state, or for the improvement and sale of the public lands, or to accept other cessions, it was thought proper to make special provisions for these objects, which was accordingly done by the above recited clause in the Constitution.

"Thus the power of Congress over the ceded territory was not only limited to these special objects, but was also temporary. As soon as the territory became a state, the jurisdiction over it, as it had before existed, ceased. It extended afterward only to the unsold lands, and as soon as the whole were sold it ceased in that sense also altogether. From that moment the United States have no jurisdiction or power in the new states other than in the old, nor can it be obtained except by an amendment of the Constitution.

"Since, then, it is manifest that the power granted to Congress to dispose of, and make all needful regulations respecting the territory and other property of the United States, relates solely to the territory and property which had been ceded by individual states, and which, after such cession, lay without their respective limits, and for which special provision was deemed necessary, the main powers of the Constitution operating internally, not being applicable or adequate thereto, it follows that this power gives no authority, and has even no bearing on the question of internal improvement. The authority to admit new states, and to dispose of the property and regulate the territory, is not among the enumerated powers granted to Congress, because the duties to be performed under it are not among the ordinary duties of that body, like the imposition of taxes, the regulation of commerce, and the like. They are objects in their nature more special, and to which special provision was more suitable and proper.

"Having now examined all the powers of Congress under which the right to adopt and execute a system of internal improvement is claimed, and the reasons in support of it, in each instance, I think it may fairly be concluded that such a right has not been granted. It appears, and is admitted, that much may be done in aid of such a system by the right which is derived from several of the existing grants, and, more especially, from that to appropriate the public money. But still it is manifest that, as a system of the United States, it can never be carried into effect under that grant, nor under all of them united, the great and essential power being deficient, consisting of a right to take up the subject on principle; to cause our Union to be examined by men of science, with a view to such improvements; to authorize commissioners to lay off the roads and canals in all proper directions; to take the land at a valuation, if necessary, and to construct the works; to pass laws, with suitable penalties, for their protection, and to raise a revenue from them; to keep them in repair, and make further improvement, by the establishment of turnpikes and tolls, with gates to be placed at the proper distances.

"It need scarcely be remarked that this power will operate, like many others now existing, without affecting the sovereignty of the states, except in the particular offices to be performed. The jurisdiction of the several states may still exist over the roads and canals within their respective limits, extending alike to persons and property, as if the right to make and protect such improvements had not been vested in Congress. The right being made commensurate simply with the purposes indispensable to the system, may be strictly confined to them. The right of Congress to protect the works by laws imposing penalties would operate on the same principle as the right to protect the mail. The act being punishable only, a jurisdiction over the place would be altogether unnecessary and absurd.

"In the preceding inquiry little has been said of the advantages which would attend the exercise of such a power by the general government. I have made

the inquiry under a deep conviction that they are almost incalculable, and that there was a general concurrence of opinion among our fellow-citizens to that effect. Still it may not be improper for me to state the grounds upon which my own impression is founded. If it shed no additional light on this interesting part of the subject, it will, at least, show that I have had more than one powerful motive for making the inquiry. A general idea is all that I shall attempt.

"The advantages of such a system must depend upon the interests to be affected by it, and the extent to which they may be affected, and those must depend on the capacity of our country for improvement, and the means at its command applicable to that object.

"I think that I may venture to affirm that there is no part of our globe, comprehending so many degrees of latitude on the main ocean, and so many degrees of longitude into the interior, that admits of such great improvement and at so little expense. The Atlantic on the one side, and the lakes, forming almost inland seas, on the other, separated by high mountains, which rise in the valley of the St. Lawrence, and terminate in that of the Mississippi, traversing from north to south almost the whole interior, with innumerable rivers on every side of those mountains, some of vast extent, many of which take their sources near to each other, give the great outline; the details are to be seen on the valuable maps of our country.

"It appears, by the light already before the public, that it is practicable and easy to connect, by canals, the whole coast, from its southern to its northern extremity, in one continued inland navigation; and to connect in like manner, in many parts, the Western lakes and rivers with each other. It is equally practicable and easy to facilitate the intercourse between the Atlantic and the Western country by improving the navigation of many of the rivers which have their sources near to each other in the mountains on each side, and by good roads across the mountains between the highest navigable points of those rivers. In addition to the example of the Cumberland Road, already noticed, another of this kind is now in train, from the head waters of the River James to those of the *Kanawha*; and in like manner may the Savannah be connected with the Tennessee. In some instances it is understood that the Eastern and Western waters may be connected together directly by canals. One great work of this kind is now in progress, and far advanced, in the State of New York; and there is good reason to believe that two others may be formed, one at each extremity of the high mountains above mentioned, connecting in the one instance the waters of the St. Lawrence with Lake Champlain, and in the other some of the most important of the Western rivers with those emptying into the Gulf of Mexico, the advantage of which will be seen at the first glance by an enlightened observer.

"Great improvements may also be made by good roads, in proper directions, through the interior of the country. As these roads would be laid out on principle, on a full view of the country, its mountains, rivers, &c., it would be useless, if I had the knowledge, to go into detail respecting them. Much has been done by some of the states, but yet much remains to be done with a view to the Union.

"Under the colonial governments, improvements of this kind were not thought of. There was, it is believed, not one canal, and little communication from colony to colony. It was their policy to encourage the intercourse between each colony and the parent country only. The roads which were attended to were those which led from the interior of each colony to its principal towns on the navigable waters. By those routes the produce of the country was carried to the coast, and shipped thence to the mercantile houses in London, Liverpool, Glasgow, or other towns to which the trade was carried on. It is believed that there was but one connected route from north to south at the commencement of the



Revolution, and that a very imperfect one. The existence and principle of our Union point out the necessity of a very different policy.

“The advantages which would be derived from such improvements are incalculable. The facility which would thereby be afforded to the transportation of the whole of the rich productions of our country to market, would alone more than amply compensate for all the labor and expense attending them. Great, however, as is that advantage, it is one only of many, and by no means the most important. Every power of the general government and of the state governments, connected with the strength and resources of the country, would be made more efficient for the purposes intended by them. In war they would facilitate the transportation of men, ordnance, and provisions, and munitions of war of every kind, to every part of our extensive coast and interior on which an attack might be made or threatened. Those who have any knowledge of the occurrences of the late war must know the good effect which would result in the event of another war from the command of an interior navigation alone along the coast, for all the purposes of war as well as of commerce, between the different parts of our Union. The impediments to all military operations, which proceeded from the want of such a navigation, and the reliance which was placed, notwithstanding those impediments, on such a commerce, can not be forgotten. In every other line their good effect would be most sensibly felt. Intelligence by means of the Post-office Department would be more easily, extensively, and rapidly diffused. Parts the most remote from each other would be brought more closely together. Distant lands would be made more valuable, and the industry of our fellow-citizens on every portion of our soil be better rewarded.

“It is natural, in so great a variety of climate, that there should be a corresponding difference in the produce of the soil—that one part should raise what the other might want. It is equally natural that the pursuits of industry should vary in like manner; that labor should be cheaper, and manufactures succeed better in one part than in another. That where the climate was most severe and the soil less productive, navigation, the fisheries, and commerce should be most relied on. Hence the motive for an exchange for mutual accommodation and active intercourse between them. Each part would thus find for the surplus of its labor, in whatever article it consisted, an extensive market at home, which would be the most profitable, because free from duty.

“There is another view in which these improvements are still of more vital importance. The effect which they would have on the bond of union itself, affords an inducement for them more powerful than any which have been urged, or than all of them united. The only danger to which our system is exposed arises from its expansion over a vast territory. Our Union is not held together by standing armies, or by any ties other than the positive interests and powerful attractions of its parts toward each other. Ambitious men may hereafter grow up among us who may promise to themselves advancement from a change, and by practicing upon the sectional interests, feelings, and prejudices, endeavor, under various pretexts, to promote it. The history of the world is replete with examples of this kind—of military commanders and demagogues becoming usurpers and tyrants, and of their fellow-citizens becoming their instruments and slaves. I have little fear of this danger, knowing well how strong the bond which holds us together is, and who the people are who are thus held together; but still it is proper to look at and to provide against it, and it is not within the compass of human wisdom to make a more effectual provision than would be made by the proposed improvements. With their aid, and the intercourse which would grow out of them, the parts would soon become so compacted and bound together that nothing could break it.

"The expansion of our Union over a vast territory can not operate unfavorably to the states individually. On the contrary, it is believed that the greater the expansion, within practicable limits—and it is not easy to say what are not so—the greater the advantage which the states individually will derive from it. With governments separate, vigorous, and efficient for all local purposes, their distance from each other can have no injurious effect upon their respective interests. It has already been shown that, in some important circumstances, especially with the aid of these improvements, they must derive great advantage from that cause alone, that is, from their distance from each other. In every other way the expansion of our system must operate favorably for every state in proportion as it operates favorably for the Union. It is in that sense only that it can become a question with the states, or rather with the people who compose them. As states, they can be affected by it only by their relation to each other through the general government, and by its effect on the operations of that government. Manifest it is, that to any extent to which the general government can sustain and execute its functions with complete effect, will the states, that is, the people who compose them, be benefited. It is only when the expansion shall be carried beyond the faculties of the general government, so as to enfeeble its operations, to the injury of the whole, that any of the parts can be injured. The tendency in that stage will be to dismemberment, and not to consolidation. This danger should, therefore, be looked at with profound attention, as one of a very serious character. I will remark here, that as the operations of the national government are of a general nature, the states having complete power for internal and local purposes, the expansion may be carried to very great extent, and with perfect safety. It must be obvious to all, that the further the expansion is carried, provided it be not beyond the just limit, the greater will be the freedom of action to both governments, and the more perfect their security, and in all other respects the better the effect will be to the whole American people. Extent of territory, whether it be great or small, gives to a nation many of its characteristics. It marks the extent of its resources, of its population, of its physical force. It marks, in short, the difference between a great and a small power.

"To what extent it may be proper to expand our system of government is a question which does not press for a decision at this time. At the end of the Revolutionary War in 1783, we had, as we contended and believed, a right to the free navigation of the Mississippi; but it was not until after the expiration of twelve years, in 1795, that that right was acknowledged and enjoyed. Further difficulties occurred in the bustling of a contentious world, when, at the expiration of eight years more, the United States, sustaining the strength and energy of their character, acquired the province of Louisiana, with the free navigation of the river from its source to the ocean, and a liberal boundary on the western side. To this Florida has since been added, so that we now possess all the territory in which the original states had any interest, or in which the coexisting states can be said, either in a national or local point of view, to be in any way interested. A range of states on the western side of the Mississippi, which already is provided for, puts us essentially at ease. Whether it will be wise to go further, will turn on other considerations than those which have dictated the course heretofore pursued. At whatever point we may stop, whether it be at a single range of states beyond the Mississippi, or by taking a greater scope, the advantage of such improvements is deemed of the highest importance. It is so on the present scale. The further we go, the greater will be the necessity for them.

"It can not be doubted that improvements for great national purposes would be better made by the national government than by the governments of the several states. Our experience prior to the adoption of the Constitution demon-

strated that, in the exercise by the individual states of most of the powers granted to the United States, a contracted rivalry of interests, and misapplied jealousy of each other, had an important influence on all their measures, to the great injury of the whole. This was particularly exemplified by the regulations which they severally made of their commerce with foreign nations and with each other. It was this utter incapacity in the state governments, proceeding from these and other causes, to act as a nation, and to perform all the duties which the nation owed to itself, under any system which left the general government dependent on the states, which produced the transfer of these powers to the United States by the establishment of the present Constitution. The reasoning which was applicable to the grant of any of the powers now vested in Congress, is likewise so, at least to a certain extent, to that in question. It is natural that the states, individually, in making improvements, should look to their particular and local interests. The members composing their respective Legislatures represent the people of each state only, and might not feel themselves at liberty to look to objects, in these respects, beyond that limit. If the resources of the Union were to be brought into operation under the direction of the state assemblies, or in concert with them, it may be apprehended that every measure would become the object of negotiation, of bargain, and barter, much to the disadvantage of the system, as well as discredit to both governments. But Congress would look to the whole, and make improvements to promote the welfare of the whole. It is the peculiar felicity of the proposed amendment, that, while it will enable the United States to accomplish every national object, the improvements made with that view will eminently promote the welfare of the individual states, who may also add such others as their own particular interests may require.

“The situation of the Cumberland Road requires the particular and early attention of Congress. Being formed over very lofty mountains, and in many instances over deep and wide streams, across which valuable bridges have been erected, which are sustained by stone walls, as are many other parts of the road, all these works are subject to decay, have decayed, and will decay rapidly, unless timely and effectual measures are adopted to prevent it.

“The declivities from the mountains and all the heights must suffer from the frequent and heavy falls of water, and its descent to the valleys, as also from the deep congelations during our severe winters. Other injuries have also been experienced on this road, such as the displacing the capping of the walls and other works, committed by worthless people, either from a desire to render the road impassable, or to have the transportation in another direction, or from a spirit of wantonness to create employment for idlers. These considerations show that an active and strict police ought to be established over the whole road, with the power to make repairs when necessary, to establish turnpikes and tolls as the means of raising money to make them, and to prosecute and punish those who commit waste and other injuries.

“Should the United States be willing to abandon this road to the states through which it passes, would they take charge of it, each of that portion within its limits, and keep it in repair? It is not to be presumed that they would, since the advantages attending it are exclusively national, by connecting, as it does, the Atlantic with the Western states, and in a line with the seat of the national government. The most expensive parts of this road lie within Pennsylvania and Virginia, very near the confines of each state, and in a route not essentially connected with the commerce of either.

“If it is thought proper to vest this power in the United States, the only mode in which it can be done is by an amendment of the Constitution. The states, individually, can not transfer the power to the United States, nor can the United

States receive it. The Constitution forms an equal and the sole relation between the general government and the several states, and it recognizes no change in it which shall not, in like manner, apply to all. If it is once admitted that the general government may form compacts with individual states, not common to the others, and which the others might even disapprove, into what pernicious consequences might it not lead! Such compacts are utterly repugnant to the principles of the Constitution, and of the most dangerous tendency. The states through which this road passes have given their sanction only to the route and to the acquisition of the soil by the United States: a right very different from that of jurisdiction, which can not be granted without an amendment to the Constitution, and which need not be granted for the purposes of this system, except in the limited manner heretofore stated. On full consideration, therefore, of the whole subject, I am of opinion that such an amendment ought to be recommended to the several states for their adoption.

"I have now essentially executed that part of the task which I imposed on myself, of examining the right of Congress to adopt and execute a system of internal improvement, and, I presume, have shown that it does not exist. It is, I think, equally manifest, that such a power vested in Congress, and wisely executed, would have the happiest effect on all the great interests of our Union. It is, however, my opinion, that the power should be confined to great national works only, since, if it were unlimited, it would be liable to abuse, and might be productive of evil. For all minor improvements, the resources of the states individually would be fully adequate, and by the states such improvements might be made with greater advantage than by the Union, as they would understand better such as their more immediate and local interests required."

## B.

This memorial received valuable emendations at the suggestion of Samuel B. Ruggles, one of the select committee. To him also Mr. Spencer was indebted for an entire paragraph, commencing near the end of page 318, relating to the want of power to establish "a *general* system of internal improvement." That paragraph is an extension of one which Mr. Spencer had written, and is regarded by him as one of the most forcible in the memorial. The pruning knife of Mr. Ruggles was also applied in various parts of the production.

## C.

This copy of Mr. Calhoun's address is taken from the "Democratic Free Press" of Detroit, furnished to us by Mr. McClelland, of Michigan, the only copy of the speech which we could procure. There is one edition which had undergone Mr. Calhoun's revision, but we had not been able, when we put to press, to ascertain whether this was *the* edition or not.



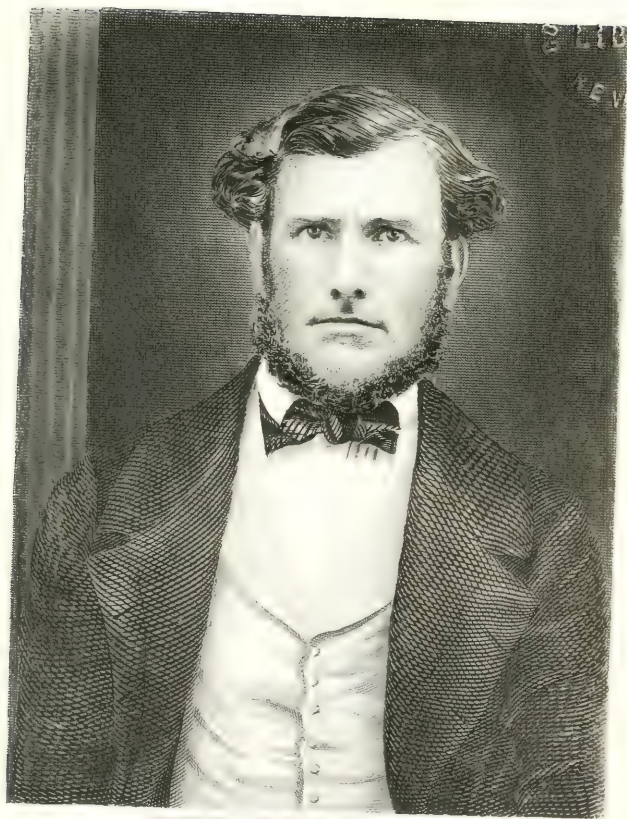
## WENTWORTH, JOHN.

**T**HIS is the tallest member of either house, being six feet and a half high. Men of ordinary dimensions may pass under his arms without grazing the tops of their heads. It is remarked jocosely, that when he addresses his constituents, they dig a hole some feet deep in which he may stand, lest, we presume, those political teachings should ascend to heaven which were designed only for ears on earth!

He was born on the 5th of March, 1815, at Sandwich, Carroll county, New Hampshire. It might be called "about the last place" in that state, being situated at the base of a very extensive chain of high and rugged mountains, and there being then no road near the house in which he was born. He is the eldest son of Paul Wentworth, now a resident of Concord, who has been somewhat prominent as a politician in the Democratic ranks, and has held many public stations. He has been very extensively engaged both in mercantile and agricultural pursuits; and, although he had a large family of children, he was in very easy circumstances, and is now what is called in New Hampshire a wealthy man.

The mother of John Wentworth was the youngest daughter of Colonel Amos Coggs, of Dover, New Hampshire, who served during the whole of the Revolutionary War, and who married the widow of Lieutenant Wallingford, son of Colonel Thomas Wallingford, of Somersworth, in that state. Lieutenant Wallingford is celebrated in the history of John Paul Jones as one of the most daring of his comrades. He served as lieutenant of marines, although a captain at home, aided in the capture of the brig "George," and was killed on board the ship "Ranger" in her successful engagement with the "Drake," on the British coast, on the 24th of April, 1778. He was married in 1775, and left soon after for the war.

The maiden name of Mrs. Wallingford was Lydia Baker, daughter of Colonel Otis Baker, of Concord.



*John Winthrop*



Paul Wentworth is the only son of John Wentworth, Jr., who lived to have children. The latter graduated at Harvard in 1768, was a lawyer at Dover, and the first register of probate for Strafford county, which office he held until the day of his death. The "News Letter," published at Exeter, in a biographical sketch of him, says:

"As early as 1776 [his father, John Wentworth, Sen., being speaker of the House], if not before, he was a member of the New Hampshire House of Representatives, and was annually elected until, in 1781, he declined, in order to attend to his professional duties, and hoping that a change would effect a restoration of his health. Although he frequently resigned his office to go to Congress and attend to other public matters, it made no difference with the Dover people. Present or absent, he was annually re-elected by them, until he peremptorily declined to retain the office. On the 10th of March, 1778, he was elected a member of Congress in company with Mr. Whipple; and, before the 14th of the same month, he was chosen for another term with Josiah Bartlett, with whom he signed the 'ORIGINAL ARTICLES OF CONFEDERATION.' In May following they proceeded to Yorktown, where Congress was then sitting; but, being taken sick, Mr. Wentworth was obliged to return home in August; and upon the 19th of the same month, his health having improved, he was sent back again, where he remained until the following spring. At that time he and his friend Bartlett resigned their seats, with a determination to mingle thereafter more directly with the people of the state, as they well appreciated the necessities of Congress, and the full importance of every state's doing its utmost for the common cause. Accordingly, in the same year, we find him among the foremost of the state legislators. As Mr. Livermore, the attorney general, was sent to Congress in his place, Mr. Wentworth, during that year, was placed upon a committee of three to prosecute state prisoners during that gentleman's absence. He was a member of the Committee of Safety which sat in the recesses of the General Court, from January, 1777, to May, 1778, and which, it is well known, performed all the duties of government, legislative, executive, and judicial. In 1777, also, he was one of a committee of four to draw up and bring in a bill for the trial and punishment of persons who should, by any



misbehavior in word or deed, be adjudged inimical to the liberty and freedom of the States of America (not within the act against treason), and directing how such trials should take place, and how judgment should be executed. In 1784, he consented to be chosen to the Senate for the succeeding year (the first which sat after the peace with Great Britain), but he never took his seat. His health was very feeble, and he died of consumption on the 10th of January, 1787, in the forty-second year of his age." He left six small children, the youngest of which, Paul, the father of the member, was then only in his fifth year, and was the only son who lived to be married.

John Wentworth, Jr., was the second son of John Wentworth, Sen., of Great Falls, in Somersworth, New Hampshire, who was Speaker of the House of Representatives from the year 1771 to the Declaration of Independence in 1776, judge of probate for the province, judge of the Superior Court, and for six years a counselor under the Revolutionary government. He was speaker when, in April, 1774, Governor John Wentworth dissolved the General Assembly sitting at Portsmouth, New Hampshire, because it chose a committee to confer with the other colonies on matters of general importance: and, through his influence, the members were soon assembled in another place, and put out a circular, of which the following is a copy:

*"To the Parish of—:*

"Whereas the colonies in general upon this continent think it highly expedient and necessary, in the present critical and alarming situation of their public affairs, that DELEGATES should be appointed by and in behalf of each, to join a general CONGRESS, proposed to meet at Philadelphia the first day of December next, to devise and consider what measures will be most advisable to be taken and pursued by all the colonies for the establishment of their RIGHTS AND LIBERTIES upon a just and solid foundation, and for the restoration of union and harmony between the mother country and colonies: And whereas the members of the late House of Representatives for this province, now met to deliberate on this subject, are unanimously of the opinion that it is expedient and necessary for this province to join said CONGRESS for the above purpose, and recommend it to the towns in this province respectively to choose

and empower one or more persons, in their behalf, to meet at Exeter on the 21st day of this instant, at ten of the clock in the forenoon, to join in the choice of DELEGATES to the GENERAL CONGRESS. In order to effect the desired end it is necessary that each town, as soon as may be, contribute their proportion of the expense of sending; it is therefore desired that the same may be raised by subscription or otherwise, and, if convenient, sent by the person by your parish appointed: your proportion of which is —— pounds lawful money. The utility of which measure is so apparent, we doubt not your ready compliance with this proposal.

“By desire of the meeting,

“J. WENTWORTH, *Chairman*.

“PORTSMOUTH, July 6, 1774.

“P.S.—Considering the distressing situation of our public affairs, Thursday, the 14th instant, is recommended to be kept as a day of fasting, humiliation, and prayer through this province.”

The first Congress having recommended another on the 10th of May, 1775, we find the following circular issued from him as chairman of the first provincial committee:

“WHEREAS the *American Continental Congress* have recommended another to be held at Philadelphia on the 10th day of May next, we, the *Provincial Committee*, conceiving it highly expedient and necessary to send DELEGATES for this province to the Congress proposed to be held then, recommend it to the respective towns in this government to appoint deputies on their behalf, to meet at Exeter on Wednesday, the 25th day of January next, for the choice of delegates to represent this province at such intended Congress; and also to empower such deputies, when so met, to choose a committee of their body to proportion the sum each town ought to pay toward sending such delegates.

“By order of the Committee,

“J. WENTWORTH, *Chairman*.

“November 30th, 1774.”

The Exeter (New Hampshire) “News Letter” says:

“He was among the very first men to carry out and organize

the people against the oppression of Great Britain in the state; and, for one in authority, he spoke with unprecedented boldness, and rendered himself, by his activity and liberality, the very particular object of Governor John Wentworth's jealousy and hatred. When speaking of his son, John Wentworth, Jr., after exhausting all his terms of approbation, Governor Langdon used to say, 'his father's blood runs through all his veins.' This, with the good old republicans of those days, who looked upon Judge John as a beacon-light, was the perfection of character, moral and political."

He died May 17th, 1781, aged sixty-two years. Almost the last act of his life was to write to his son John, Junior, congratulating him on the unanimity of congressional action in respect to the Articles of Confederation, yet expressing strong fears that it would be impossible ever to keep the government together under such limited powers, and a belief that more difficulty was to be apprehended from this source than from the ultimate attainment of the country's independence of Great Britain.

He was three times married, and was the father of fourteen children. The heirs of only three of the sons are still living, viz., Thomas M. Wentworth, who represented Lebanon, Maine, seventeen years in succession; Andrew, whose oldest son, John B. Wentworth, still occupies his old house, is now a prominent politician, and has been many years a member of the New Hampshire Legislature; and John, Junior. He was very wealthy for his times, having inherited the farm and whole property of his uncle, Colonel Paul Wentworth, at Salmon Falls, who educated him and adopted him as his child, he having none of his own. The will was so qualified, however, that he was obligated to pay out of the estate the expense of educating one of his sons at Harvard College, the benefits of which John Wentworth, Jr., enjoyed, inasmuch as the oldest son, Paul, named for his uncle, did not desire it. This Paul lived at Somersworth, was one of the agents of the colonies in England in 1774, and in 1773 was one of the royal counselors under Governor John Wentworth. He died in 1781, aged thirty-seven, and his heirs in the male line are now extinct.

John Wentworth, Sen., was the only son, and the oldest of the four children of Captain Benjamin Wentworth, who lived at Garrison Hill in Dover, and died in the year 1731.

Benjamin Wentworth was the youngest of the eight children of Ezekiel Wentworth, who lived either at Salmon Falls, in Somersworth, or in Dover.

Ezekiel Wentworth was one of the eight sons of Elder William Wentworth, of Dover, and brother of Samuel Wentworth, of Portsmouth, who died in 1690—the ancestor of all the governors of New Hampshire bearing that name. John Wentworth, the lieutenant governor of that state from 1717 to 1729, was the third son of Samuel, and father of Benning Wentworth, the oldest of fourteen children, who was governor of the province from 1741 to 1766. He graduated at Harvard in 1715. Mark Hunting Wentworth was the sixth son of Lieutenant-governor John Wentworth, and brother of Governor Benning, and also father to John Wentworth, the governor of the province from 1766 until the Revolution; when, adhering to his allegiance to King George, and finding himself embarrassed in consequence of all his friends and relatives joining the Revolutionary party, he left the country in 1775, was made governor of Nova Scotia, and created a baronet, May 16, 1796. Regardless of his son's position, Mark Hunting, though an extensive merchant, and one of the counselors of the province, is said to have favored the Revolution. He died at Portsmouth in 1785, and was a man of large property and high character.

Governor Wentworth's own uncle, Hunting Wentworth, was chairman of the Committee of Safety in 1774. Governor Wentworth graduated at Harvard College in 1775. He received the degree of LL.D. from the Universities of Oxford in England, and Aberdeen in Scotland. His last official act was a proclamation, in September, 1774, proroguing the General Assembly to the next April. The Reverend Doctor Dwight, in his travels, says:

“Governor Wentworth was the greatest benefactor to the province of New Hampshire mentioned in its history.”

His estate was confiscated by order of the Legislature.

When appointed governor he was but thirty-one years of age, and was in England, and refused to accept the office until his uncle Benning, whom the administration had determined to remove, because it thought him remiss in enforcing laws which he believed unpopular with the colonists, had had an opportunity to resign. He had been in England some time urg-



ing the repeal of the Stamp Act, and was appointed by the ministry through whom it was repealed.

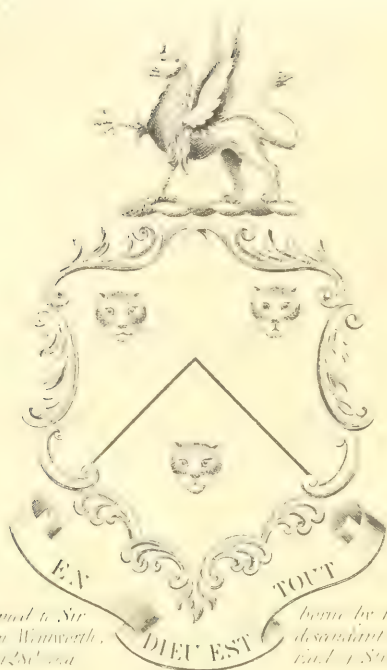
Governor John Wentworth moved to England in 1810, where he died in 1820. He and John Wentworth, Jr., who signed the "Articles of Confederation," were both the fourth in descent from Elder William. Governor Wentworth married Frances, daughter of Samuel Wentworth, of Boston. His only son was Sir Charles-Mary Wentworth, Baronet, who was born in Portsmouth, January 20, 1775, and died April, 1845, at Kingsand, Davenport, England. In contrasting the course of the descendants of Samuel and Ezekiel Wentworth, the editor of the *Exeter News Letter* remarks:

"It is not surprising that the descendants of Samuel, who for nearly a century had holden the principal offices in the province, should be attached to the royal government, which had so liberally showered its favors upon them: neither is it surprising that the other branches of the same family, nurtured in the woods, should feel but little attachment to that royalty, which was known to their cousins by its smiles, but to them only by its burdens. There were but few more popular men in the country than the last Governor Wentworth; and the sternest patriots of his day parted from him with regret, when, adhering to his king, he forsook his country. Indeed, the blood of Samuel Wentworth runs in the veins of some of the warmest friends of the Revolution and of liberty—the Langdons, the Sherburnes, and the Gilmans."

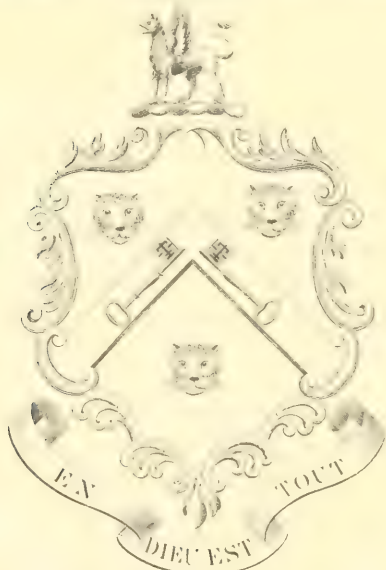
Elder William Wentworth, the ancestor of all who bear the name of Wentworth in America, emigrated to Boston in the year 1628, from the county of York, in England, and removed subsequently to Exeter, where he was in 1639.

On the 17th of May, 1629, John Wheelwright, late of England, a minister of the gospel, Augustin Story, Thomas Wight, William Wentworth, and Thomas Leavitt, purchased of the Indians "all that part of the main land bounded by the River Piscataqua and the River Merrimack," &c. At the time of the great Indian massacre in Dover in 1689, Belknap's *History of New Hampshire* says: "Heard's garrison was saved by the barking of a dog just as the Indians were entering. Elder William Wentworth was awakened by the noise, pushed them out, and, falling on his back, set his feet against the gate, and





*borne by his descendant the Earl of Sandwich*



*Confirmed to Sir John Wentworth, 1st Baronet, in 1281.*

held it till he had alarmed the people; two balls were fired through it, but both missed him."

He afterward lived at Dover, though he preached at both places at intervals. He preached at Exeter quite regularly from 1690 to 1693. He died on the 15th of March, 1796, aged ninety years. His wife survived him. His estate was appraised at ninety-seven pounds sixteen shillings and fourpence. He had a very large family of children, and the names of eight sons are extant. He was of the Congregationalist order, and left his country to enjoy a greater degree of religious liberty. The Reverend Mr. Root, in his bi-centennial sermon at Dover, November 29, 1838, says:

"From the year 1647 to 1662 there seem to have been elders in the Church," and he speaks of Elder Wentworth as one of them.

The name of Wentworth is of Saxon origin, and can be traced back to the Doomsday Book of William the Conqueror, wherein it is written "Winterwade."

Thoresby, in his History of Leeds, says, "The ancient and honorable family of Wentworths, which for six hundred years hath borne the honor of knighthood, was seated for years before that in the county of York. The ancient and chief seat of this principal branch of this noble family hath been for many ages at Wentworth Woodhouse, in the wapentake of Strafford, whence they spread into other parts, as Ganthrope Hall and Potter Newton, in the parish of Leeds." Thoresby gives two pedigrees of the Wentworth family. In the second, wherein he deduces the descent of Sir Thomas Wentworth, earl of Strafford, who was beheaded May 12, 1641, he commences with Reginald Wyntword de Wyntworth, whose descendant in the seventh generation, Robert de Wentworth, living in the reign of Henry III., married Emma, daughter and heiress of the ancient family of Woodhouse.

The Wentworths of Yorkshire intermarried with the Neville and Clifford families previous to the sixteenth century, and with many other families of the first distinction; and we find on record William de Wentworth, abbot of the priory of Monk-Bretton, in Yorkshire, in 1323, and Hugh, son of Henry de Wentworth, who gave eleven acres of his demesne lands in Wentworth to the said priory in 1392.



"Of this very illustrious family," says Burk, "was the aforesaid William Wentworth, who settled in New Hampshire."

Coggswell, in his Statistics of New Hampshire, says, "In the year 1771, under the administration of Governor John Wentworth, the then province of New Hampshire was divided into five counties. They were named by him after some of his friends in England—Rockingham, Strafford, Cheshire, Hillsborough, and Grafton. The county of Strafford was named after the Earl of Strafford, who was a distinguished member of the Wentworth family."

The "Annals of Portsmouth" say, in relation to the appointment of Governor John Wentworth in 1766,

He was patronized by the Marquis of Rockingham, whose name was Wentworth, and who was at this time the head of the administration."

The same "Annals" state, in another place, that soon after the death of Lieutenant-governor Benning Wentworth, his widow married his *relative*, Colonel Michael Wentworth, who was born in Yorkshire, England, and was nearly allied to the Marquis of Rockingham and Earl of Strafford, who were distinguished members of the Wentworth family in that county. His elder brother, Peregrine Wentworth, inherited the paternal estate, and so Michael had to look to his own energies for support. He entered the army very young, and served under the Duke of Cumberland in Great Britain and on the Continent. He acted as a volunteer at the battle of Culloden, on the 15th of April, 1745, when the duke obtained a decisive victory over the rebels, which put an end to the hopes and prospects of the Pretender, Charles Stuart. In the following May he was in France, and was engaged in the famous battle of Fontenoy, when the French troops, commanded by Marshal Saxe, gained a complete victory over the allied army under the command of the Duke of Cumberland; but the celebrated "solid column," in which Wentworth held a subordinate command, routed the French Guards during the engagement. He remained in the army until after the peace of Aix la Chapelle, when he resigned, returned to England, passed a few years with his brother and friends, and then, in 1767, emigrated to this country, where, in 1770, he was married. He lived at the seat of the late Governor Benning Wentworth, at Little Harbor, in 1795. In 1789

he commanded a company of horse, under Colonel Amos Cogswell, to escort General Washington into the State of New Hampshire, and the general visited him at his house. He died in New York on the 25th of September, 1795, aged seventy-six. His only child, a daughter, married Sir John Wentworth, an attorney at Portsmouth, who afterward removed to England.

Annexed is a *fac simile* of the coat of arms of the family of Wentworth, which was originally confirmed to Sir William Wentworth in the year 1280, and borne by his descendant, the Earl of Strafford. Besides this coat of arms, Governor Wentworth was rewarded, while governor of Nova Scotia, as an emblem of his fidelity, with "the honorable privilege of bearing in the *chevron* of his arms two keys," as shown in the plate.

John Wentworth, the subject of this memoir, continued in his native town of Sandwich, where he was trained to habits of industry, and to hard labor on a farm, until the winter of 1826-7. He was then sent for three months to an academy at Gilmanton, subsequently for six months to an academy at Wolfborough, and in the spring of 1838 to the institution at New Hampton, where he remained, with occasional intervals, until the spring of 1832.

His first political opinions were formed during the great contest between Messrs. Adams and Jackson in 1828. He became an enthusiastic admirer of the general, and an ardent advocate of his election.

In the winter of 1831-2, he taught school for two months in the last-named town, at ten dollars a month. He numbered among his pupils many persons of both sexes who had arrived at "years of maturity."

In the summer of 1832 he attended the academy at South Berwick, in the State of Maine. In the course of this year, which was one of excitement in politics, he contributed many political articles to the newspapers of the day. During the fall of the year he was admitted to Dartmouth College, New Hampshire, and in 1836 was graduated among the first in his class. Of the four winters of his collegiate class, three were passed in teaching school.

While teaching school at Lebanon, New Hampshire, in the winter of 1835-6, the Democrats of that town elected him a delegate to the Senatorial Convention at Canaan, and there,

though still a minor, he was made chairman of the committee to draw up resolutions. The resolutions took strong ground in favor of General Jackson's administration, endorsing what were then known as the "Expunging Resolutions," and opposing a national bank and a high protective tariff. He became of age just before the annual election in March, and gave his vote for Isaac Hill for governor.

While he was in college, there was a contest between the two political parties as to the right of students to vote, inasmuch as they held the balance of power, and invariably turned it against the administration. Though doubting the propriety of the course, Mr. Wentworth, who, with the other students, had been decided a citizen of Hanover, determined to exercise all the privileges of citizenship; so, when the time came for the annual school meeting, he rallied a good portion of his fellow-students, and proceeded to the school-house. He was called to the chair, another student was made secretary, others were placed on a committee to examine and employ teachers, and a sum of money was voted to repair the school-house. This practical illustration of the *principle* amused the friends, while it disciplined the enemies of the administration, as it afforded a strong commentary upon the policy of considering temporary students, without any interest or family, as actual citizens.

On the 3d of October, 1836, he left his father's house in Sandwich, New Hampshire, with one hundred dollars in his pocket. His parents entertained the hope that this sum would carry him just far enough to make him homesick, and that then he would return to study law in the neighborhood. He continued his journey, however, and landed at Detroit, Michigan, on the thirteenth of the same month, where he advertised himself as a school teacher. He made a tour into the country on foot as far as Ann Arbor, and, failing to procure a school, returned to Detroit.

After remaining there a few days without success, he set out for Chicago, Illinois, where he arrived on foot on the 25th of October. His health was greatly impaired, and his feet were covered with blisters. On his arrival he had but twenty-five dollars, and was soon taken severely sick; and, when he recovered, his liabilities exceeded the small amount of money he had in his possession.

He arrived at Chicago at a period in the commercial affairs

of the country which will be ever remembered as the era of land speculation. The city was crowded with adventurers, all of whom imagined themselves rich, but yet they had no money. They laid out towns on the open prairie without a house, and without the prospect of there ever being one. They had them divided into squares, streets, blocks, &c., and sold the lots at enormous prices. Money being made so easy, extravagance of all kinds prevailed, and *he* was the greatest man who would distribute his Champagne the most profusely at dinner. Little business was done save land speculation, and the entire community relied upon importations for every article of use or consumption. Chicago had not then been incorporated, and had no school-house, only one church, and no side-walks. Board was very high, and lodgings still more so. Rents were enormously high.

The executive committee appointed by the Chicago Convention [see page 303] gathered some materials connected with the origin and progress of that city, from which we glean many interesting facts. The geographical position of Chicago is at the head of the great Northern lakes, at a point nearest and easiest of access to the West, and is the dividing point between the two sections of the Union, and the key of the northern and principal route of communication between them. This point is the commercial metropolis of an immense extent of country, abounding in agricultural, manufacturing, and commercial resources, and is already the center of a large and growing trade in produce, lumber, salt, coal, and other staples of the region, and merchandise imported for its consumption.

In 1832 Chicago was scarcely a village, situated far beyond the extreme Western limits of civilization. As a city, it has consequently seen but fifteen summers. Its history, prior to this period, can be given in a few words. The French, during their wanderings in the West, often visited the place, and some assert that they built a fort there. In confirmation of this assertion, *Chicagou* is found on old French maps of that period. They discovered the passage from Chicago River into the Des Plaines and Illinois, and often benefited by the discovery, passing in their canoes from one valley into the other. Although often there, no evidence appears that the French ever made a permanent settlement at this point; nothing more, probably,



than a temporary station for trading with the Indians. They, however, foresaw the future importance of the situation, pointed out in their writings the practicability of a canal connecting the lakes with the Mississippi, regarding this, from their knowledge of the country, as the point easiest of access to the navigable waters of the great valley. In this respect they appear to have exhibited singular sagacity.

In 1796, at the treaty of Greenville, General Wayne purchased of the Indians six miles square of land at the mouth of *Chikajou* Creek, within which the present city is situated. This purchase was made at that time with a view of establishing there a military station for the protection of the frontier and the security of the fur trade. Fort Chicago was built and occupied by a garrison in 1804, and about the same time an Indian agency was established and a light-house built.

In 1812, the government, apprehensive of the safety of the post, ordered its evacuation. The attempt to carry this order into execution proved fatal to nearly the whole party, some seventy in number. This is known as the "massacre of Chicago," and took place about one and a half miles below the fort, near the present southern city limit. This unfortunate event was followed by the burning of the fort, and the temporary dispersion of the settlement. The fort was rebuilt in 1817, when it took the name of Fort Dearborn. It was occupied by a small force as late as 1837.

Thus it will be perceived that Chicago, though visited by the French nearly two hundred years ago, and perhaps marked out by them as one of the links in their immense chain of posts connecting the St. Lawrence with the Gulf of Mexico, and for a period of nearly thirty years afterward occupied as a frontier military post, and a trading station connected with it could not, previous to the period we have named, 1832, have had a permanent existence as a town. The united population, never exceeding one hundred, came here for temporary purposes, and not with the design of remaining permanently and settling the country. No attempt was made to cultivate the soil; supplies of all kinds were brought at great expense from the East. The country around, in every direction, was unsettled and full of Indians. Illinois, it is true, had been admitted into the Union in 1818, with a population of about three thousand; but it was

confined chiefly to the southern part of the state, emigration having been derived principally from Virginia and Kentucky.

The Black Hawk War occurred in 1832, and it was this event, more than any thing else, which first brought Chicago and this region into notice, and laid the foundation for a permanent settlement. During the progress of this brief contest, many persons attached to the army, and others, visited this place, and explored the country between the lakes and the Mississippi. Being highly pleased with the country, on their return to the East they naturally communicated their impressions to others, and created a general desire to remove and settle here, which, in process of time, was carried into execution. The successful issue of the war removed danger from the frontier, and emigration was safe. It was, besides, as will be remembered, a period of unusual prosperity throughout the country, when enterprise was stimulated to extraordinary activity. These causes combined, in the latter part of 1832 and the spring of 1833, produced emigration. Lands and town lots were eagerly sought after; speculation naturally resulted, soon became the ruling passion of the period, and was only arrested by the universal crash and bankruptcy of 1837-8. Chicago became the center of speculating operations, and enjoyed, or *suffered*, during its continuance, an inflated prosperity. Thousands flocked there from all parts of the country, and the place was thronged with new citizens and strangers.

Although the year 1832 is regarded as the period from which to date the commencement of Chicago, still it should be stated that measures intimately connected with the place originated at an early period. Soon after the organization of the state government at the second session of the Legislature, an act was passed to construct the Illinois and Michigan Canal, and the subject continued to be legislated upon at almost every subsequent session. In 1826-7, Congress granted each alternate section of land, for ten miles in width along the line, to aid the state in the construction of the work, and, at the same time, granted the right of way. The principal part of Chicago was included in this grant, and in 1829, commissioners appointed for the purpose laid out the original town, amounting to about half a section on both sides of the river, and the next year (1830) sold a few lots to pay the expenses of the survey. The original

town is now the center and most valuable portion of the city. Prices of lots at this sale were very moderate—from five to twenty dollars. A few hundred dollars would then have purchased the whole of Lake-street, now worth millions. Probably few persons there at that period dreamed that a place of seventeen thousand inhabitants would grow up in the short space of fifteen or sixteen years, although, perhaps, some might have foreseen its ultimate importance. The external appearance of things was far from encouraging. There were a few log and two or three frame buildings scattered over the town site, besides a few more in different parts of the county of Cook, amounting to some twenty in all, besides the fort: a small beginning, it must be confessed, for the “garden city;” but it was fifteen years ago.

Down to 1837, as before intimated, very little was done at Chicago beyond speculations in real estate. Very little or nothing was raised. The domestic wants of the community, even, were supplied from the East. Vessels rarely went there, and the arrival of a schooner off the town was an event of the greatest importance. There were no roads, and scarcely any travel. A weekly mail, on horseback, was first received from Niles in 1832; a one-horse wagon succeeded in 1833, followed in 1834 by a four-horse stage line, and a daily mail in 1837. Scarcely any domestic improvements of a durable character were attempted except dwelling houses, although the Lake House, and two or three other substantial brick blocks and several warehouses, date their commencement at this period. The harbor was commenced in 1833, and the first work was done on the canal on the fourth of July, 1836. In 1834 the Chicago Democrat, and in 1835 the Chicago American, two weekly newspapers, were started. The school section, one mile square of valuable land within the city limits, was sold about this time for some forty thousand dollars. In the winter of 1836-7, the Legislature passed the act incorporating the city.

In 1837, speculation having run its career, the bubble burst, and brought ruin to the thousands who had become identified with it, and risked their all upon its chances. It was a severe calamity to Chicago. Without capital; without a currency; with undeveloped resources; without trade, the dissipation of this fatal illusion left her citizens nothing but a mountain of in-

debtedness, and the land for which it had been incurred now worse than valueless. Every thing remained stationary until about 1840—until times had improved; population had come in; farms had been opened in the country; trade had revived. The condition of things during this period would have been more deplorable than it was but for the partial benefit derived from the canal, which was in progress of construction, and the harbor, upon which several appropriations were expended.

About 1840 Chicago experienced the first *healthy* growth, and real, substantial prosperity; not, however, so strikingly perceptible previous to 1843 as the four years following. From 1843 to the present time, the place has advanced with a rapidity unexampled, it is believed, in the history of cities. Capital, to some extent, has been introduced; the country is generally settled; the soil has been brought to furnish productions for export; real estate, both lots and lands, has become valuable; many of the citizens have become wealthy; and population and trade, both export and import, have, during the short period of four years, more than doubled—very nearly trebled.

Some evidence of what Chicago now is, and some basis of calculation as to what she may reasonably be expected to become, may be found in the following table of population:

*Table showing the total Population of the City of Chicago, and the Population of each Ward in 1840, 1843, and 1845, and the Increase of each Period, and total Increase.*

Wards,	1840.	1843.	Increase.	1845.	Increase.	Total.
First Ward .....	1,197	1,986	789	3,238	1,252	2,041
Second Ward ...	1,467	2,231	764	3,460	1,229	1,993
Third Ward ....	251	509	258	1,009	500	758
Fourth Ward ...	179	414	235	830	416	651
Fifth Ward .....	436	600	164	1,052	452	616
Sixth Ward ....	1,323	1,840	517	2,499	659	1,176
	4,853	7,580	2,727	12,088	4,508	7,235

This table, it will be seen, runs up to the year 1845 only.

Speaking on the same subject, Mr. Wentworth, in a speech in the House, said:

“In 1826, steam-boats first made their appearance on Lake Michigan, on a pleasure excursion to Green Bay. In 1832, the necessities of the government, during the Black Hawk War, compelled the first steam-boat to make a trip to what is now called the great granary of the West—the garden city, ‘*urbs in horto*,’ where I have the honor to reside; a city not set on a hill, yet it will not be hid; a city this moment holding out greater inducements for investments in real estate than any in this broad country; a city that will one day alone have a member on this floor, and this more than one person now alive will live to see. During



the year 1833 there were but eleven steam-boats on Lake Erie, and only three trips were made into Lake Michigan, one to Green Bay and two to Chicago, when the erection of the first brick house was celebrated. In 1834 there were but eighteen boats in all on the lakes, making in the year two arrivals at Chicago and three at Green Bay. In 1836, the year of my first arrival in the state, the prairie fires overran what now comprises the principal part of two of our wards."

Mr. Wentworth entered a law office as a clerk, and commenced in good faith the study of the law. Soon afterward, a friend of his from New Hampshire bought out the oldest newspaper in the place, the "Chicago Democrat." There were then but three papers in that place, one Democratic and two Whig. Neither of these papers was published daily. This gentleman desired Mr. Wentworth to take charge of the editorial department of his paper until his return to the country in the spring. Mr. Wentworth consented to do so, leaving the question of remuneration open until the time designated. Thus accidentally was he drawn into the printing business.

About this time the well-known specie circular had been issued. Not a single press in the region of the land-offices was found to advocate this measure. Mr. Wentworth launched out in General Jackson's defense, amid a general condemnation of his rashness and inexperience, and predictions of ruin to himself and his party. The more "prudent" of his party, as they termed themselves, wrote to the new proprietor, then in the East, and complained bitterly of the radicalism of his editor. But Mr. Wentworth never heard from him after his departure in relation to this or any other matter. Soon after leaving Chicago he failed; his drafts were protested, and the press reverted to its original proprietors.

So well, however, had Mr. Wentworth conducted the affairs of the establishment, that the proprietors, who were quite numerous, solicited him to remain in the office, to take the concern, and to pay for it out of his earnings as fast as he could. After much hesitation about the propriety of his thus undertaking a debt of nearly three thousand dollars, he finally consented to the proposition, and forthwith set to work with all the energy of which he was capable. He was the first man in his office in a morning, and the last at night. He never left the city, nor attended a private party, nor a place of amusement of any kind, until, without receiving aid from any quarter to the amount of a single cent, he had paid for his establishment.

To this application in early life, it is probable, he owes the success he has met with, and the not inconsiderable fortune which he now enjoys. The establishment, the only one remaining in existence of all the papers of that day, and which has increased with the growth of the great West, he now solely owns, as, until his election to Congress, he solely edited it.

During the first winter of his residence at Chicago, the project of a city charter was agitated, and efforts were made by many persons computing themselves wealthy to establish a property qualification for voters. This he resisted. It failed; but a proposition to make taxation to the amount of three dollars a qualification, prevailed. He never ceased, however, to battle against it. Some years afterward the Legislature amended the charter, and struck the qualification out; and, in his strenuous advocacy of free suffrage ever since, he has often pointed to the fact, in practical illustration of the justice of his creed, that many of the advocates of restricted suffrage lived to see themselves disfranchised by their own doctrines.

During the same winter—1836-7—the Illinois Legislature first authorized that gigantic rail-road system, and the increase of the capital stock of her banks, to which we have in more than one place adverted. [See titles, S. A. DOUGLAS and J. A. M'CLERNAND, vol. i.] Both these measures he opposed, and urged the Legislature to complete the great canal connecting the lakes with the Mississippi before embarking in any further enterprises of the kind. Of this work he has been the fast friend, in prosperity and adversity, favoring a trial of every expedient that looked to its success, and never despairing of it; urging the North, when milder means would not avail, to withhold her support from those politicians who would use their influence against that great undertaking.

Though opposed to the system by which the State of Illinois borrowed millions of dollars to commence her rail-roads and enlarge the capital of her banks, yet it is but justice to him to say that he has been at all times the deadly foe of repudiation, and that he has been in favor of all plans which looked to the payment of her entire debt and interest. He long since expressed his confidence in the ability of the state to commence paying her interest in full, and his belief that common honesty required her to do so.

We have also adverted in another place [see title, S. A. DOUGLAS, vol. i.] to the extra session of the Illinois Legislature, convened in the summer of 1837, to take into consideration the suspension of specie payments by the two state banks of that state and their branches. Mr. Wentworth took the ground that they had violated their charters and ought to be wound up; and as their situation was made known to the Legislature, and by many pronounced good, he predicted their entire insolvency and final downfall, doing all in his power to spread the alarm. The event, it is known, happened. He has to this day opposed the chartering of any more banks in the state.

During the continuance of the difficulties which perplexed the people of the state after the bank suspensions, the Legislature sought relief in the passage of a stay law. Although many men of his own party favored this law, Mr. Wentworth lost no opportunity of assailing it. He used every exertion to excite the people to demand its repeal, and foreign creditors to test its constitutionality in the United States Courts. A desperate struggle in its favor was made by its friends, but the United States Courts relieved the Legislature from the contest by declaring the law to be unconstitutional.

Having, as we have stated, received his original education in the free-schools of New England, and having been frequently a teacher in them, he has constantly exerted himself in favor of the extension and the perfection of the free-school system in his own city and state. It is said to be matter of doubt whether any city or town in the United States has a better system of common schools than that now established at Chicago. It is claimed, also, that in proportion to her population, that city furnished more soldiers for the war with Mexico than any city in the Union, and that she contributed one half dollar for every man, woman, and child within her limits toward supporting the suffering poor of Ireland.

Early in the spring of 1841, Mr. Wentworth left the state to attend the law lectures at Cambridge, in the State of Massachusetts, and with the intention of remaining a year; but having been apprised that he would, in all probability, receive the first nomination for Congress under the new apportionment, he returned late in the fall, and was soon after admitted to the bar. Up to that time he had declined every office. With the ex-

ception of the honorary appointment of aid-de-camp to Governor Carlin in 1838, he has neither sought nor accepted any office or position other than that which he now holds.

Owing to the failure of the Legislature to district the state, the election which should have taken place in 1842 did not take place until 1843, when Mr. Wentworth was nominated, over the heads of many older men and citizens, by a majority of more than five to one, and was elected, at the age of twenty-eight, by upward of fifteen hundred majority, a member of the House of Representatives of the twenty-eighth Congress.

In 1844 he was renominated unanimously, and re-elected by more than three thousand majority.

In 1846 he was again unanimously renominated, and was re-elected by over six thousand majority.

And in 1848, being renominated, he was re-elected in the face of strong influences brought to bear against him, and which will be alluded to as we proceed with our narrative, by a majority of three thousand five hundred and forty-five votes. Mr. Polk's majority in the same district was three thousand and eight votes. Mr. Wentworth's majority was greater than that of any other person in the state whose election was contested.

On the 13th of November, 1844, he was married to Marie Loomis, daughter of Riley Loomis, a wealthy citizen of Troy, New York.

On first entering Congress, he was the youngest member of the House of Representatives. He had never before seen a legislative body in session. Prior to his election, there had not only never been a member of Congress residing upon the lakes, but there had not been one north of the center of the state. Until the admission of Wisconsin into the Union, he continued to be the only member from any state who resided upon the shores of Lake Michigan. His district embraces the counties of Boon, Bureau, Cook, Champagne, De Kalb, Du Page, Grundy, Iroquois, Kane, Kendall, Lake, LaSalle, Livingston, McHenry, McLean, Vermilion, and Will, being seventeen in all, and extending from the Wisconsin State line on the north to a distance of one hundred miles below the line of the termination of the Illinois and Michigan Canal on the south, and from the Indiana State line on the east to counties touching Rock River on the west. It is two hundred and fifty miles long, and one



hundred miles wide, being the most wealthy and populous portion of the State of Illinois.

At the time we speak of, the district was comparatively without post-routes and post-offices. Maritime jurisdiction had not been extended over the lakes. Chicago had not been made a port of entry. The United States Courts had not been authorized to be held there. Illinois had not been authorized to tax her lands as soon as sold. There was no provision for paying the sailors' hospital money at Chicago. Light-houses and harbors were wanted on Lake Michigan, and the wants of the district in many other respects were very great.

At a very early period after taking his seat, he became an earnest laborer in the cause of river and harbor improvements. Acknowledging the duty of rendering to every man the public credit which belongs to him, we must say that the policy of appropriations for these objects has numbered among its many adherents no more firm or devoted advocate, and that his friendship for them has been exhibited under circumstances and in the midst of influences calculated to test alike the sincerity and the strength of his attachment to them. At that time strong efforts were made to revive the work upon the Illinois and Michigan Canal, and also for the restoration of the credit of the former state. An appeal had been made to the canal bond-holders to take the canal as security, and then finish the work. They resided, for the most part, in Great Britain, and had appointed John Davis, of Massachusetts, their agent to examine the canal, and report upon the propriety of their undertaking its completion.

While this examination was going on, the Washington "Globe," then the Democratic organ at the seat of government, denounced the whole arrangement, and predicted that it was a maneuver to revolutionize the politics of the state by the importation of British gold. Mr. Wentworth endeavored to counteract the injurious tendency of such attacks, to satisfy the bond-holders that public sentiment was right in Illinois, and thus, so far as he could, to aid in the completion of the work. Speaking upon that matter in the House, he said:

"Let my political friends entertain no fears for Illinois. Would that I could raise her pecuniary integrity on a level with her political. In this latter respect, she has been tried and never found wanting. No state in the Union, since her

admission, and for the last five presidential elections especially, has exhibited so much consistency in casting her electoral vote; and that consistency will still be maintained. As I have from the beginning been the unequivocal and uncompromising opponent of all the bank suspension laws, all the stay laws, and all the log-rolling schemes that have tended to ruin the state abroad, I might properly speak of various ineffectual plans to swerve her from her integrity, and of their political origin. But I wish to have this whole matter kept aloof from politics. I now take my state as I find her, and make no criminations. She is deeply in debt, and patriotism can best be displayed in devising means to get her out rather than in censuring those who got her in. Should Governor Davis contribute in any measure to this grand consummation, we shall give credit to whom credit is due without the least political feeling. This is my doctrine, and also that of the Illinois people. We fear not the effects of British gold, and we repel all insinuations that our integrity is in danger. Sir, we have now but one desire, one pride, one end, one aim, and that is, to regain our credit as an honest state—as an interest-paying, if not a debt-paying state.

\* \* \* \* \*

"We are poor, but, thank God, we are honest. Incorruptible, we suspect no man with British gold coming to buy us until the overt act. The young men of Illinois expect, in their day, to see her out of debt; and they are all bent on paying interest to some extent immediately.

\* \* \* \* \*

"We have a pride in having our state solvent once more, and paying every cent of her liabilities without any legal quibbles or dishonorable compromises. And a glorious consummation will that be for us all. For one, when it arrives, I would say with the good man of old, 'Lord, now lettest thou thy servant depart in peace, for mine eyes have seen our salvation.' Sir, I would celebrate the day of such an event like a jubilee—ay, sir, next after the birth-day of our Savior, and the day on which American Independence was declared, I would worship the day that redeems Illinois from bankruptcy and debt—the day of her credit restored and her honor regained."

The sentiments thus expressed and the doctrines maintained by Mr. Wentworth on the floor of the House, he had long advocated before the people in his own state, and at times when, in many parts, it was very unpopular to do so.

We have noted in another place [pages 235 and 241] the two bills which were passed at the first session of the twenty-eighth Congress, under the respective titles of the *Eastern* and *Western* Harbor Bills. At that session, for the first and last time, we believe, the lakes and rivers were separated from the Atlantic. The Democratic party was then in a majority, and Mr. Wentworth, though not a member of the Committee on Commerce, was every where active in conciliating good will toward both the bills, and aiding in their passage.

The *Western* bill, as reported, embraced the Illinois River, and, in consequence of it, several gentlemen, otherwise favorably disposed, resolved to oppose it, and were joining its enemies in

loading it down with objectionable amendments. After much discussion, confined principally to that particular river—the only one in the bill that ran through one state alone—the bill was lost by a vote of 86 to 102. The vote was reconsidered, on a motion to that effect made by Mr. Duncan, of Ohio. The bill was finally amended by striking out the Illinois River, and was passed by a vote of 108 to 72.

We have recorded elsewhere [page 235] the facts connected with the loss of the *Eastern Harbor Bill*, and also the vote thereon.

Great exertions were made to induce Mr. Tyler to veto the *Western Harbor Bill*, as he *had* vetoed the *Eastern*, and for some time many of its friends gave it up as lost. The journals of the Senate during the time Mr. Tyler was a member of that body were searched by Mr. Wentworth, and they furnished evidence that the former gentleman had, to some extent, voted for similar appropriations. Mr. Wentworth recalled his memory to that fact, and also pointed his attention to the extract from his message at the opening of the twenty-eighth Congress, which we have recorded at page 235. We have shown that all efforts to induce Mr. Tyler to sign the *Eastern* bill were of no avail. The *Western* met a better fate.

We have also recorded [see page 242] the fate of the bill which was passed at the second session of the twenty-eighth Congress, and which embraced *Eastern* as well as *Western* works. Mr. Wentworth, it is known to us, was active in securing the passage of that bill, and personally urged Mr. Tyler to sign it. He represented to him that he could in no manner so strongly exemplify the attachment he professed toward the West as by giving his signature to the bill; that it would be one of the richest legacies which, at the close of his presidential term, he could bequeath to the country. Mr. Tyler, it seems, thought otherwise.

At the commencement of the twenty-ninth Congress, Mr. Wentworth was placed upon the Committee on Commerce, to whom belongs the charge of river and harbor bills. He exerted himself to have a bill brought forward at as early a day as possible, and to secure the omission of every item which he thought might render it liable to a presidential veto. It was his opinion that Mr. Polk would sign bills to the extent to which

they had been signed by General Jackson and Mr. Van Buren, and Mr. Wentworth sincerely desired to co-operate with the administration—which was of his own creed of politics—in framing an unexceptionable bill. The bill, of which the history is elsewhere recorded [page 248], was so framed as to come within the class of objects for which appropriations had been approved both by General Jackson and Mr. Van Buren.

As originally drawn, it contained the following provision :

“For the purchase of the residue of the stock held by individual stockholders in the Louisville and Portland Canal Company, such sum as may be necessary, which stock the President of the United States is hereby authorized to purchase, if it can be obtained on such terms as he shall deem a fair and reasonable price, for the purpose of relieving the navigation and commerce of the Ohio River, and making said canal free from toll.” This provision was stricken out, in deference to what were understood to be the insuperable objections of the President to it.

The bill, though it passed the House at an early period, was delayed in the Senate until the 24th of July. Mr. Wentworth sought every opportunity for personal interviews with senators, in order to expedite the decision of that body.

We have elsewhere recorded the fate of the bill. The veto message contained the following passage [page 257] :

“Some of the provisions of this bill are not subject to the objections stated, and, did they stand alone, I should not feel it to be my duty to withhold my approval.”

This passage encouraged a belief that another trial might meet with success. But, owing to the late period of the session—it being then the last week—no efforts were made until Congress again met.

On the 17th of December, 1847, Mr. Wentworth introduced a resolution, calling for a statement of the amount expended in each state and territory of the Union for the construction and repair of roads, fortifications, and harbors, and the improvement of rivers, with the date and amount of each expenditure in each state and territory. Objection was made to its introduction. Not to be defeated, Mr. Wentworth took it immediately to the Senate, where Senator Breese immediately offered it, and it was adopted. The answer of Colonel Abert to this resolution has



given to the country a vast amount of valuable information not before elicited, and now embodied in Document No. 44. [See page 124.]

The opinions of Mr. Wentworth on the Tariff Question we have understood to be those of a "strong free-trade man," to use a popular phrase. He voted to substitute what is denominated the "revenue tariff" of 1846 for the "protective tariff" of 1842. The first attempt to revise the last-mentioned act was made in 1844, at the first session of the twenty-eighth Congress. The bill for that purpose was reported by General M'Kay, and, after a long discussion in Committee of the Whole on the State of the Union, was reported back to the House, and there *laid on the table*. This bill did not contain any tax on tea and coffee, nor, we believe, was any attempt made to insert it.

When, on the 15th of June, the tariff bill of 1846, which embraced a contingent duty of 10 per cent. *ad valorem* on tea and coffee, and also a duty upon salt, was under consideration in Committee of the Whole on the State of the Union, Mr. Wentworth gave notice that he should, when in order, move to transfer all those articles to the free list. He was absent at the time the bill was passed by the House, in consequence of the fatal sickness of an only child. The proposed duty on tea and coffee was, however, stricken out on motion of Mr. M'Kay, of North Carolina, at that time chairman of the Committee of Ways and Means.

The article of *salt* remained in the bill, after something of a struggle, subject to tax. In 1844, when the unsuccessful attempt, to which we have alluded, was made to revise the tariff of 1842, Mr. Wentworth made an effort to include salt in the list of free articles, but to no purpose.

The bill of 1846 was reported to the House on the 14th day of April, and, consequently, some time before the declaration of war against Mexico. The tax on tea and coffee, therefore, which the bill contained, was proposed as a peace measure.

In his annual report at the commencement of the second session of the twenty-ninth Congress—that is to say, in December, 1846—the Secretary of the Treasury, Mr. Walker, recommended a duty of *twenty-five per cent. ad valorem* on tea and coffee. He says :

“It is important at all times, as shown by uniform experience, but especially in a period of war, to keep a balance of at least four millions of dollars in the treasury, in order to supply the mint and branch mints with bullion for coinage, and foreign coin for recoinage, as also to be enabled at all times to pay the public creditors at every point, both in and out of the country, with punctuality and dispatch. Although, then, the actual deficit on the 30th of June, 1848, might not exceed nineteen millions of dollars, the necessity of having a surplus of four millions in the treasury at all times requires that a loan of twenty-three millions should be authorized, unless additional revenue is raised by some new provision of law. As one of the means of augmenting the revenue, it is proposed that Congress shall authorize a duty of twenty-five per cent. on tea and coffee, which, it is estimated, would reduce the loan required to nineteen millions of dollars.

“Annexed will be found a table of the imports of tea, and also of coffee, from 1821 to 1846. It will be perceived that the imports of tea, being 16,891,020 pounds consumed in the United States for the last fiscal year, amounted to the value of \$3,983,337; and of coffee, being 124,336,054 pounds, of the value of \$7,802,894, making an aggregate of \$11,786,231, a duty of twenty-five per cent. on which would yield an annual revenue of \$2,946,557 75. After making a full allowance for decreased consumption on account of the duties, the additional annual revenue from this source might be safely estimated at \$2,500,000.

*“This duty, however, would be rendered nugatory in part for several years, unless it were imposed during a very early period of the session, and to go into effect at a time not later, if possible, than the 1st of January next. Between that date and some time early in the spring, large importations of tea, and, to some extent, of coffee, are brought into the country, and ought to be subjected to the duty, in order that revenue should be raised from such imports. If this is not done, and the duty is to go into operation at a much later period, the tax will operate as an enhanced price to the consumer, without producing a corresponding revenue.*

“The stock now on hand, and that would be imported forthwith—namely, of coffee from Cuba and St. Domingo, and some

other ports, and of tea, in part, from the bonded warehouses of Europe—coming in free of duty, in anticipation of the law, would contribute nothing to the revenue of the country, while the price of the stock on hand here, as well as that thus brought in free of duty, would be augmented nearly in the same proportion as if the duty had actually gone at once into effect. A delay, then, in imposing this duty on tea and coffee, while it would tax the consumer for several years nearly as much as if the duty were imposed at once, would, during that whole period, bring very little revenue into the treasury. Such a delay, then, would only enable a few individuals to amass large fortunes at the expense of the people. Such has been the almost uniform effect of the postponement of the operation of laws imposing new or additional duties, of which the examples are numerous under the tariff of 1842, as also preceding laws. The reduction of the loan from twenty-three to nineteen millions, together with the imposition of this duty on tea and coffee toward meeting the payment, will, it is conceived, make a difference in the terms on which the loan can be effected, which, in the period of twenty years, would save a large amount of the tax to the people of the United States; whereas, if no such duty is imposed, and, as a consequence, a loan for a sum so large as twenty-three millions, without this additional revenue, must be made during a period of war, uncertain in its duration, and attended with heavy expenditures, judging of the future by the past, the government may be subjected to a serious loss in negotiating the loan, or be involved in embarrassments alike injurious to the credit and honor of the country.”

This tax, which, it was declared, “would be nugatory” if not imposed before the first day of January, 1847, was not carried into effect by that day. The attempt to impose it was, however, persisted in long after that date, but without success.

On the second of January, 1847, Mr. Wentworth introduced the following resolution :

“*Resolved*, That it is inexpedient to lay any duty on tea and coffee.”

This resolution was adopted by the following vote :

Yeas: Messrs. Abbott, Anderson, Arnold, Barringer, Bell, Benton, James Black, Blanchard, Brinckerhoff, Brodhead, Milton Brown, Buffington, William W. Campbell, Carroll, Cathcart, Cocke, Collamer, Cranston, Crozier, Garrett Davis, Delano, De Mott, Dillingham, Dixon, Dockery, Dunlap, Ellsworth, Erdman, John H.

Ewing, Foster, Fries, Garvin, Gentry, Giddings, Graham, Grider, Grinnell, Grover, Hale, Hamlin, Harper, Hastings, Henley, Hilliard, Hoge, Hough, John W. Houston, Samuel D. Hubbard, Hudson, Hungerford, Washington Hunt, Joseph R. Ingersoll, Jenkins, James H. Johnson, Joseph Johnson, Andrew Johnson, Seaborn Jones, Kennedy, Daniel P. King, Preston King, Leib, Levin, Lewis, Long, Lumpkin, McClelland, Joseph J. McDowell, James McDowell, McGaughey, M'Henry, M'Ilvaine, Marsh, Moseley, Moulton, Niven, Norris, Perrill, Perry, Pollock, Ramsey, Rathbun, Relfe, Ripley, Julius Rockwell, Root, Runk, Sawtelle, Sawyer, Scannon, Schenck, Severance, Truman Smith, Albert Smith, Thomas Smith, Caleb B. Smith, Starkweather, St. John, Strohm, Strong, Thibodeaux, Thomasson, Benjamin Thompson, Tibbatts, Tilden, Trumbo, Vance, Vinton, Wentworth, Wheaton, White, Williams, Wilmot, Winthrop, Wright, and Yost—115.

Nays: Messrs. Stephen Adams, Bayly, Biggs, Bowdon, Bowlin, Boyd, William G. Brown, Burt, Reuben Chapman, Chase, Clarke, Cobb, Collin, Cottrell, Culom, Cunningham, Dargan, Douglas, Ficklin, Giles, Goodyear, Gordon, Haralson, Harmanson, Isaac E. Holmes, George S. Houston, Edmund W. Hubbard, Hunter, George W. Jones, Lawrence, Leake, La Sere, Ligon, M'Clernand, M'Kay, Barclay Martin, Morse, Parish, Payne, Reid, Roberts, Leonard H. Sims, Simpson, Stanton, Jacob Thompson, Toombs, Tredway, and Woodward—48.

On the 27th of February, 1847, an effort was made to impose a tax of twenty-five per cent. *ad valorem* on tea and coffee—the duty to continue for two years after the termination of the war—by coupling it with a measure of land graduation, to terminate six months after the close of the war. The bill had been reported by Mr. M'Kay, chairman of the Committee of Ways and Means, under the title of a bill to increase the revenue derivable from duties on imports; also for the sales of the public lands, and to aid in the prosecution of the war with Mexico. When taken up in Committee of the Whole on the State of the Union, a motion was made by Mr. Wentworth to strike out the first section, which levied the duty on tea and coffee, but it was lost by a majority of two votes. But another motion, leading to the accomplishment of the same end in a different form, was made by Mr. Tibbatts, of Kentucky, and agreed to by a majority of three votes.

This having been done, the graduation clause of the bill was stricken out on motion of Mr. Grover, of New York. A motion was then made by Mr. Hamlin, of Maine, now a member of the Senate, to insert a substitute for the original bill as amended. This substitute embodied the *original* bill, so as to impose additional duties on silks, linens, spirits, wines, cordials, wool, and woollen goods, &c., imposed a duty of twenty per cent. *ad valorem* on tea and coffee, but omitted the section which proposed to graduate the price of the public lands. The



substitute was, however, modified afterward by Mr. Hamlin, on the suggestion of Mr. Wick, of Indiana, so as to embrace a graduation clause.

Mr. Wentworth then moved to strike out the tax on tea and coffee. The motion was agreed to by ayes 94, nays 83. The graduation clause was again stricken out on motion of Mr. Grover, and the substitute amendment, having been reported to the House, was adopted by a vote of yeas 105, nays 103, divested, as we have said, of the tea and coffee tax, and of the graduation clause.

On the following Monday—March 1st—Mr. Ellett, of Mississippi, rose and stated that he was present, and voted in the negative on the substitute, but found that his name was not recorded.

The vote thus stood yeas 105, nays 104; and this was a case in which, under the rule of the House, the speaker would have voted, making yeas 105, nays 105—a *tie* vote—in which event the substitute would have been *lost*.

There was considerable sensation in the House at this time. The speaker was in the act of rising from his seat to cast his vote, when Mr. Wentworth rose and stated that Mr. Edsall, of New Jersey, had been present on the previous Saturday, and had voted in favor of the substitute, and that his name was not recorded. Mr. Edsall confirmed the statement. His vote was recorded, and the substitute was still adopted by a vote of 106 to 104, the speaker not voting.

The whole bill, however, was finally lost; for when the question was put on its passage, as amended by the substitute, it was *rejected* by a vote of 69 to 133.

Another effort was yet to be made to secure this favored tax to the government.

The Senate at the same session—the second session of the twenty-ninth Congress—passed a bill to except certain articles imported by literary institutions from the payment of duty. It was referred to the Committee of Ways and Means of the House, and was reported back from that committee on the 1st of March, 1847, by Mr. Winthrop, with a recommendation that it do not pass. In making this report, Mr. Winthrop stated that a minority of three of the committee, of which he was one, were in favor of the passage of the bill.

It was understood that the intention existed to amend the bill in the House, by adding the tax on tea and coffee. Mr. Wentworth gave the alarm as to the existence of this intention, and objected to any report being made by the committee out of order. When the committee was finally called *in* its order, the bill, on motion of Mr. Andrew Johnson, of Tennessee, was laid on the table by a vote of 94 to 91.

Early in the last session—first session, thirtieth Congress—when the Loan Bill was under consideration, Mr. McKay offered a substitute for it which embraced a tax on tea and coffee. Mr. Wentworth moved to strike out that tax, and also to insert a provision repealing the duty on *salt*. Both motions failed, but the substitute itself was voted down. Tea and coffee, therefore, still remain on the free list.

The Colonial Tea Act received the royal signature on the 29th of June, 1767. The celebrated “tea party,” which gained for itself an immortal name by “throwing the tea overboard,” was held in Boston on the 16th of December, 1773. That article was made free of taxation in this country by the act passed on the 14th of July, 1832, commonly known as the *Compromise Act*. The event, it will be remembered by all, was hailed by the friends of General Jackson, then at the head of the government, as a great triumph of labor over capital in this country. The following tables show the quantities of tea and coffee imported into the United States from the organization of the government to the year 1844, with the rates of duty :

## COFFEE.

*Table showing the Quantity of Coffee imported into the United States each Year from the Organization of the Government to the Year 1844, with the Rate of Duty.*

Years.	Quantity.	Rate of Duty.	Years.	Quantity.	Rate of Duty.
	Pounds.	Per lb.		Pounds.	Per lb.
1790	4,150,754	\$0 4	1818	19,199,403	
1791	2,588,970		1819	20,825,869	
1792	4,769,450		1820	13,291,857	
1793	11,237,717		1821†	21,273,659	
1794	6,033,618	5	1822	25,782,390	
1795	14,674,726		1823	37,337,732	
1796*			1824	30,224,296	
1797	13,511,877		1825	45,190,630	
1798	4,178,321		1826	37,319,497	
1799	10,800,182		1827	50,051,986	
1800	7,408,196		1828	55,194,697	
1801	8,471,396		1829	51,133,538	
1802	6,724,220		1830	51,488,248	2
1803	8,495,260		1831	81,757,386	1
1804	6,101,191		1832	91,722,329	Free.
1805	4,816,274		1833	99,955,020	
1806	17,345,188		1834	80,150,366	
1807	11,016,419		1835	103,199,777	
1808	30,895,495		1836	93,790,507	
1809	6,649,293		1837	88,140,403	
1810	5,852,082		1838	88,139,720	
1811	17,648,398		1839	106,696,992	
1812	16,150,176	10	1840	94,996,095	
1813	8,202,072		1841	114,984,783	
1814	6,528,238		1842	112,865,927	
1815	14,238,319		1843	92,914,557	
1816	17,809,018	5	1844	160,461,943	
1817	21,900,104				

## TEA.

*Table showing the Quantity of Tea imported into the United States each Year from the Organization of the Government to the Year 1844, with the Rate of Duty.*

Years.	Quantity.	Rate of Duty.
	Pounds.	
1790	3,047,242	From China, 10, 18, 20, and 32 cents per pound; from Europe, 12, 21, 24, and 40 cents per pound; from any other place, 15, 27, 30, and 50 cents per pound.
1791	985,997	
1792	2,614,008	
1793	2,009,509	
1794	2,460,914	
1795	2,374,118	
1796	2,310,259	
1797	2,008,399	
1798	1,890,965	
1799	4,501,503	
1800	3,797,634	
1801	2,669,831	
1802	2,406,938	

\* Excess of exports over imports, 5,526,269 pounds.

† From 1821, inclusive, the whole importations are given; previous to this time, the amounts only on which duties had accrued.

Years.	Quantity.	Rate of Duty.
	Pounds.	
1803	3,174,370	
1804	2,432,074	
1805	3,354,381	
1806	4,750,881	
1807	6,173,151	
1808	4,800,142	
1809*		
1810	6,647,726	
1811	2,557,329	
		From China, 20, 36, 40, and 64 cents per pound; from Europe, 24, 42, 48, and 80 cents per pound; from any other place, 30, 54, 60, and 100 cents per pound.
1812	2,644,329	
1813	524,888	
1814	354,038	
1815	2,172,940	
		From China, in ships or vessels of the United States, 12, 25, 28, 40, and 50 cents per pound; from any other place, in other ves- sels, 14, 34, 38, 56, and 68 cents per pound.
1816	3,864,604	
1817	4,586,153	
1818	4,842,963	
1819	5,480,884	
1820	4,891,447	
1821	4,975,646	
1822	6,639,434	
1823	8,210,010	
1824	8,920,487	
1825	10,209,548	
1826	10,108,900	
1827	5,875,638	
1828	7,707,427	
1829	6,636,790	
		From China, in ships or vessels of the United States, 40, 10, 12, 18, and 25 cents per pound; from any other place, in other ves- sels, 6, 18, 20, 27, and 37 cents per pound.
1830	8,609,415	
1831	5,192,867	
1832	9,906,606	
1833	14,639,822	
1834	16,282,977	
1835	14,415,572	
1836	16,382,114	
1837	16,982,384	
1838	14,418,112	
1839	9,349,817	
1840	20,006,595	
1841	11,560,301	
1842	15,692,094	
1843	13,869,366	
1844	15,656,114	

On the 2d of February, 1847, Mr. Wentworth delivered a speech in the House on the general subject of free tea and coffee, free harbors and free territory. On the first of these topics he said:

"I supposed, until recently, that the whole Democratic party was opposed to

\* Excess of exports over imports, 318,302 pounds.



this tax. But in these times of hankering after place and power, honor and emolument; of new plans, new theories, and new practices; of political tergiversations and management, one hardly knows what to expect. I know that I came to Congress an opponent of a tax upon tea and coffee; and I always supposed that the Democratic party came into power pledged to such a policy. In allusion to this matter, the gentleman from Indiana [Mr. Wick] the other day told us, that there were individuals who got up shadows to frighten themselves. Now, if this tea and coffee tax is one of those shadows, let us see who have done their part toward getting it up. In canvassing my district in 1844, I asserted that Mr. Clay favored a tax on tea and coffee, and that Mr. Polk opposed it. In substantiating my position, I used to read from a speech of President Polk's, which I am sorry that I have not now with me. But, in its absence, I will go back into Tennessee politics, and gather up a couple of crumbs which will be of service in this matter, as I find them extracted into a number of the Congressional Globe.

"On the 17th of October, 1841, as the groundwork of the next gubernatorial election, a prominent Democratic member of the Tennessee Senate, now holding office under this administration, introduced the following resolution:

"*Resolved*, That this General Assembly views with decided disapprobation the act of Congress, passed at the late extra session, commonly called the tax bill, imposing an increased and heavy tax on numerous common necessities of life, including tea, coffee, salt, sugar, and other articles, as it passed the House of Representatives, and in which respect it was but slightly modified in the Senate, that modification extending to tea and coffee alone, and being carried against the vote of Henry Clay, of Kentucky, who adhered, by his vote, in that respect, to the bill as it passed the House, and which act contains an unjust discrimination in the duty on iron in favor of certain corporations.'

"Such was the Democratic doctrine in Tennessee, at least in 1841. But I have a better crumb yet. A speech of Governor James K. Polk, reported in the Nashville Union of November 1, 1841, charges that

" 'A dominant majority in the popular branch of Congress, by a solemn vote, imposed a tax of twenty per cent. on tea and coffee also, and in that form the bill passed the House. In the Senate those two articles were stricken out by the votes of Democratic senators, and a small portion of Federal senators; Mr. Clay, of Kentucky, and other Federal senators, recording their votes to retain the tax upon them, and against making them free articles.'

"What will those who call me 'little better than a Whig' for entertaining similar views to these, now say to such an expression, and true as the Gospel, from our own Democratic President? These were the views of the President when elected. They were mine then, and I believe they now are of an immense majority of the Democratic party.

"Now I will carry this examination still further, and get at, if possible, the exact sentiments of those of the cabinet who have, of late years, been in Congress.

"On the 31st of July, 1841, the Whig House of Representatives, by a vote of 116 to 101, passed 'An Act relating to Duties and Drawbacks.' This was sent to the Senate, where the Hon. Levi Woodbury, a Democrat from New Hampshire, moved to amend it by inserting 'tea and coffee' among the free articles. The vote stood 39 to 10. The ten were Whigs, and Mr. Clay was among them. Of the majority were two members of the present cabinet, Messrs. Buchanan and Walker, and the two Democratic senators from Illinois. When the question of concurrence in the Senate's amendment came up in the House, the vote stood 178 to 11. The eleven was composed of John Quincy Adams, seven other Whigs, and three South Carolina Democrats. Of this majority were the present postmaster general and the whole Illinois delegation.

"At this very time, when Mr. Woodbury, since made a judge by President Polk, made this movement to keep tea and coffee free, and was sustained by four members of the present cabinet, the affairs of our nation were in as critical a condition as they are now. The excitement about the arrest of M'Leod was at its height. Our army was facing that of John Bull upon our Eastern frontier. The Ashburton treaty had not been concluded. The Oregon difficulty was entirely open. The Mexican indemnities were unsatisfied, and our indebtedness was very large. But, very properly, though Henry Clay wished it, no tax could be levied upon tea and coffee then.

"Again: at the second session of the Whig Congress in 1842, the Committee of the Whole amended the bill 'to provide revenue from imports' by striking out a provision imposing a tax upon tea and coffee for three years '*and no longer.*' This amendment was concurred in by a vote of 118 to 70, July 16.

"In the majority are recorded the names of two members of President Polk's cabinet, Messrs. Clifford and Johnson, and all the Illinois delegation present.

"At that time it was not Democratic to tax tea and coffee for three years *and no longer.* At that time the embarrassments of the country were very great. M'Leod, to be sure, had been liberated; but all the other difficulties just mentioned existed, and the liabilities of the country had run up to \$24,800,000; and our liabilities at the commencement of the present Congress were but \$24,471,000.

"We got along without taxing tea and coffee then, and I see no reason why we can not do it now.

"Again, on the 25th of August, 1842, Senator Rives, of Virginia, introduced a proposition to tax tea and coffee. Mr. Secretary Walker proposed as a substitute 'a property tax for revenue of one per cent. ad valorem on all gold and silver ware above one hundred dollars;' and Mr. Buchanan, and ten other prominent Democrats, voted for it, but no Whig. Why not try something of this kind now? It certainly would be popular. We can but try it, and if it fails, we can resort to something else.

"On the same day, Senator Allen, a Democrat from Ohio, moved to strike tea and coffee from Mr. Rives's proposition. Secretaries Walker and Buchanan, with eleven other Democrats, voted for the motion. When the final vote upon Mr. Rives's proposition was taken, Senator Buchanan voted against it, and it was lost. Mr. Walker was absent: had he been present, he would, of course, have voted with Mr. Buchanan.

"The present editor of the Union in 1841 was editor of the Richmond Enquirer. That paper of September 7, 1841, blames Mr. Clay 'for contending that the duty on tea and coffee, to the amount of two and three fourths millions, could not be dispensed with.'

"The Enquirer of August 31, 1841, endorses an article, which says:

"'The whole revenue of the government is paid by the people. All contribute toward it—THE POOR OLD WOMAN, WHO SIPS HER CUP OF TEA AND COFFEE, as well as the rich nabob,' &c.

"August 6, 1841, it denounces 'a contrivance of the Secretary of the Treasury to raise a revenue by taxes on tea and coffee, as luxuries, and exempting jewelry, stationery, epaulets, and engravings, as necessities of life!' and it says a Whig caucus carried it. Well, sir, let a Whig caucus and a Whig Congress carry it again, if it pleases. A Democratic caucus never did recommend, nor a Democratic Congress carry, such a measure.

"No person can deny that the Democrats came into power with professions against a tea and coffee tax; and it is equally undeniable that to the Democratic party is entitled the credit of keeping those articles free ever since the year 1832. Sir, this good old Democratic policy of keeping the foreign necessities of life down

as low as you can, has gained our party a great many votes; and both policy and justice require that we should not turn our backs upon it. Had Mr. Clay been for free tea and free coffee, and Mr. Polk against it, who doubts but the election of 1844 would have differently resulted?

"Instead of finding fault with me, a humble member of the Democratic party, the advocates of this tea and coffee tax should lecture the President and Secretary Walker themselves. They advocated the doctrine before I did, and more ably than I ever can. They are the ones, if any, who are liable, in the language of the gentleman from Indiana, to this charge of getting up shadows to frighten themselves. Let him go to the schoolmaster, and not to the boys, with his homilies.

"After the foregoing expressions, I might, perhaps, forbear making an announcement of my surprise that Secretary Walker should ever propose a tax on tea and coffee. Sir, I was surprised when I found that, after all my professions for 54° 40'—after all my praises of the President's Inaugural—I was a forty-nine man—that I *had got* to be a forty-nine man, or be read out of the party. I was also much surprised to find that all the harbors which General Jackson had begun upon the upper lakes had got to be unconstitutional, and that the works upon them were to be stopped, and that no more snags could be pulled out of the Mississippi River. All this was surprising enough. But my surprise was beyond all bounds when I plainly saw that efforts would be made, under the penalty of being called 'little better than a Whig,' to bring all the Democratic party into the support of this tax. Mr. Chairman, can you tell me what comes next? Hereafter, when our file leaders are to make a sudden tack, I wish they would let us all know it in season, so that we can be on the ground in time.

\* \* \* "With this view of the subject, I never shall vote for a tax on tea and coffee until our country is placed in a worse crisis than it now is, or I believe it ever will be.

\* \* \* "Gentlemen call this a war tax. Pray, how long is the war to last? Have they read the secretary's report of February 1st? He there says:

"Should either of these alternatives be adopted, it is respectfully suggested that the credit of the government would best be maintained by pledging the new and additional duties to the payment of the principal and interest of any loans already authorized by Congress during the present session, and to terminate when these loans shall be paid in full.'

"Yes, sir, '*to terminate when these loans shall be paid in full.*' Now our last loan is to run twenty years, and this tax is to run that length of time, and no longer, unless a longer loan is raised. Do gentlemen 'see any thing green' in us that they attempt this game? Why, it is intended as a permanent tax, and it is of no use to deny it. This tax, as I have shown, was reported in the original bill, and was only struck out to be revived again when the bill should be passed. To have pressed it then would have lost us the bill.

\* \* \* "Now, Mr. Chairman, I suppose that there are crises that would induce me to vote to tax tea and coffee. That would be the same state of things that now exists in Mexico, where the mothers and daughters throw their jewelry into the national treasury. That is the only crisis.

"I have thus, Mr. Chairman, 'defined my position.' No doubt there is an honest difference of opinion in this House as to taxing tea and coffee, and that difference will be found to run mainly upon Mason and Dixon's line. That is the line of difference, and you'll find it so. And if this government can not be carried on by the slave interest, as it now is, rather than see the government entirely fail, I beg them, as a matter of patriotism, to withdraw, and let some men from the free states take hold of the reins of government, and see if we can't possibly carry it on for a little while; and, if that can't be done, why, rather than see the credit

of the government irretrievably lost, I would consent to see this burden placed upon what ought always to be considered the last resort of taxation, the almost hourly beverage of the old women and old children. [A laugh, and a voice, 'Old children!'] Yes; in some countries they call single ladies, very much advanced in years, 'old children!' [Renewed laughter.]

This speech, attractive alike by its novelty and its boldness, would furnish many more instructive extracts than our limited space can accommodate.

It called forth from the Democratic organ at Washington a severe personal attack on Mr. Wentworth, to which he replied in the House. The reply embodies the attack, and is transferred to these pages as an obvious act of justice to him.

"The speaker announced the regular order of business to be the call of the committees for reports.

"Mr. Wentworth asked leave to make a personal explanation.

"Leave was granted.

"Mr. Wentworth then said, 'I rose the other day, in this House, to express my opinion "upon matters and things in general," as has been usual here when the House is in Committee of the Whole on the State of the Union. I availed myself of a liberty which has been extended to all who asked it.

"I had been accused of flying the track on the creed of the Democratic party; but being, as I now am, and presume I ever shall be, a Democrat, I undertook to show that I was just as good a Democrat as those who assailed my doctrine as being not democratic.

"In consequence of what I then said, the Union of this morning comes out with an editorial article in the following terms:

"We invite, in this connection, the attention of our readers to the pitiful apology which Mr. Wentworth, of Illinois, made yesterday in the House of Representatives, to excuse or palliate his defection at once from his party and his duty."

"Now, why not publish that "pitiful apology?" Why invite attention to what was not to be found in his paper? Why misrepresent me one day, and the next day call the attention of his readers to what I said, when what I said was not there?

"He speaks of my "defection at once from my party and my duty," when his reporter omitted wholly to state what I declared in my speech, viz., that I had never bolted a regular nomination of the Democratic party from president to constable, and presumed I never should. I also avowed myself for the regular nominee of the next Baltimore Convention for President; and I now believe that there is not a free tea and coffee Democrat in this House but what will support that nominee, come he from the North or the South. Can he say the same of those opposed to free tea and coffee? He speaks of my "duty" as if I and my constituents were not the sole judges of that. Again he says:

"His remarks, as published, are stripped, either by his own discretion or that of the reporters, of a considerable portion of their vulgarity and abuse."

"Before I addressed the House, I went to the reporter's desk, told him I should defend myself, and asked to be reported; but every one knows that I was not one tenth part reported in the Union, whose report (nor that of the *Intelligencer*) was never revised by me. He speaks of "their vulgarity and abuse." I have heard it said that old documents were dangerous things, but never before that they were "vulgar" or "abusive."



“ ‘Sir, I could not if I would, and certainly I would not if I could, say aught against the man who is at the head of the government, or of the members of his cabinet, and I will not be misrepresented as having done so. I hold him and them, all of them, in as high regard and estimation as any other Democrat in this country; but when the Democratic creed is in question, I maintain that I have just as good a right to say whether new articles shall be admitted into that creed as they have.

“ ‘My remarks impeached no man's moral or social position. They impeached no man's political character any further than was necessary to show that the Democrats who were for free tea and coffee were more consistent with the previous professions of the party, in my humble opinion.

“ ‘But the Union goes on to say, in regard to my remarks, that, “as they stand, they show the substance of what he had to say in justification of his course.” They show no such thing, as all who heard me, and have read the Union's report of them, know.

“ ‘Again: “Introducing his speech by a motion to strike out of the civil appropriation bill the usual provision for the compensation of the President of the United States.” What did the editor mean to convey by introducing this reference? That I would not vote to pay the salary of the President? Is this right? Is it fair, to give out to the world that I was opposed to paying the President's salary? Sir, he never can make my constituents believe this. Even if I should not say one word in explanation or reply, they would naturally conclude that a man must be hard pressed for matter to injure me when he resorts to so small a game as this. The answer is easy. I went to the chairman, and asked him at what time a debate upon this bill could arise. He told me at any time, by making a motion to strike out. I then took the floor, and moved to strike out all that had been read, as every one knows is the usual custom, without regarding what it was. I did not know what was in the item which I moved to strike out. Men must be sadly out of capital when they grasp at such straws as this.

“ ‘What does this editor say next?

“ ‘He proceeded to show that several members of the administration had opposed a tax on tea and coffee in time of peace; to make the foolish assertion that such a tax would make the State of Illinois pay more than it had paid under the tariff of 1842.”

“ ‘This I still reiterate, and I believe that I can demonstrate it.

“ ‘But this very astute editor says that I went on “to twaddle in a style of very unusual silliness about taxing old women and old maids.” In reply to this, all I have to say is, that there is still more silliness in the “twaddle” that our government can not get along without resorting to a tax upon these old women and old maids.

“ ‘But what else did I do?

“ ‘“Appeal to the narrowest and meanest forms of sectional prejudice.”

“ ‘I need not, I presume, tell this House that if ever there was a man who was assailed by the Abolitionists with unusual fierceness and fury, I am that man. I have fought them at home in order to get here. But here, I regret to say, that I have been compelled to fight their natural enemies as hard as ever I fought the Abolitionists themselves. Designate that appeal by what name you will, you will never hear the last of it until every portion of the Union gets its deserved share of the protection and privileges of this government.

“ ‘I made no attacks either on the North or the South. All who heard me know that I have been willing to give to gentlemen of the South all that I claimed for myself. All know that where slavery actually exists, I would not lift my hand to disturb, in the slightest degree, the constitutional rights of the South. I have

fought that battle again and again; but where freedom exists, all I ask is that it shall remain. You of the South say to us, in relation to this whole subject of slavery, "Hands off!" and you say well. I say to you, in your own words, in relation to all territory now free, "Hands off!" and then I will say well. For every craven heart that may falter from such attacks as this, from those who have a personal interest in the extension of slavery, and therefore in stifling those appeals, millions of wronged freemen will arise, like the high bird of liberty, to scream them through the air. Tell the people, if you please, that the Wilmot Proviso has no place upon the Three Million Bill, and then hurl your anathemas at me for telling them that it takes two thirds to get it before this House in any other way, and that the request has thus been made and denied. It is his course, sir, if any body's, that fans the embers of abolition, and lights that fire of indignation, that, in its race after its originators, has broken down the Democracy in so many free states of this Union, because they attempted to stop it.

"But he says that I "lugged into the discussion the River and Harbor Bill."

"Here is another of the counts in this bill of indictment against me, intended quite as much, however, to kill off all the distinguished statesmen who stand prominent in the Democratic party as candidates for the next presidency as to injure me; for all who know my constituents know that, the more I work for this, the better shall I suit them. All these statesmen are committed as strongly to the Jackson doctrine of harbor improvements as I am. But these men are to be killed off by a pretended stab at me.

"But I "lugged in," also, "the French Spoliation Bill." My allusion to the French Spoliation Bill was very slight, merely to show that those who bolted on that were as much entitled to be read out of the party as those who bolted upon tea and coffee.

"But now comes another charge. He proceeded "to parade himself through his hour, before the House, as at once an apostate from his own party." An apostate from his party! Ah! who talks of this? "An apostate!" Touch not that word, Thomas Ritchie! Could you have but one prayer, and could that be answered, you would pray high Heaven to expunge that word from the English vocabulary. There was once a crisis in the Democratic party, when men in high places faltered, and political treachery stalked throughout our land. At that time, one of my colleagues [Mr. Douglas] and myself—he on the stump, as a candidate for Congress, and I at the head of a public press—both of us as poor as poverty—were battling against the Whigs and that mass of political rottenness, the old Conservative party. Where, then, was Thomas Ritchie, the man who now sets himself up as the standard—the Procrustes of Democracy? Who then gave "aid and comfort to the enemy?" Every Whig orator and every Whig newspaper—every bank president, cashier, teller, stockholder, and debtor, was quoting Thomas Ritchie. My colleague lost his election by five votes out of about forty thousand. How much the Richmond Enquirer contributed toward it, there is but one opinion in our state. This man can not touch my political integrity so long as the poll-books of the past are preserved, and I will let them speak as decidedly for the future.

"I am to be read out of the Democratic party, am I? I shall not go out, and I shall esteem myself as most fortunate if I shall be able so to manage as to keep Ritchie in when the next election shall come on, if there shall be a prospect that the loaves and fishes will be on the other side.

"He has impeached my standing generally, and perhaps to such success that I could not impair his if I tried. At any rate, I have no desire to attempt any thing of the kind. Greater men—men who know him better than I do, have expressed *their* opinion. What said John Randolph? What said William Duane, through

his Aurora? What said General Jackson, when he heard of his being appointed editor of the Union, in his letter to Mr. Blair, the last letter of his life, and which now is buried under the corner stone of Jackson Hall? John C. Rives's speech quoting it was suppressed by request, but there are copies of it. Does this man, who "deprecated General Jackson's election as a curse to this country;" who said the old hero was "too little of a statesman;" who called him "a gentleman who could not interpret the plain expression of one law," think he can read me out of the party? No vilifier of Andrew Jackson's character, like him, need shake his gory locks at me.

"The President recommended a lieutenant general. Distinguished Virginians and other Southern statesmen go against the proposition. But there are no anathemas for them, for the very good reason that he knows that they know him, and where known he is harmless. At a late election in Virginia, a distinguished section of the Democratic party are aided by the whole Whig force to defeat the choice of the Democrats for United States Senator. Of this defection in his own state and in high places, why says he not one word?

"Mr. Ritchie says further, that I "paraded myself through my hour before the House" "as the butt of the opposition." Well, sir, the editor, in these remarks, only places me in my old position. Yet, it is odd enough, that while with one breath he reads me out of the Democratic party because I have been courting the Whigs and going over to their side, in the next breath he denounces me as the butt of their attacks. But his consistency is his affair, not mine. Yet what he says is nothing new to me when he calls me the butt of the Whig party. I have always been their butt; and, so long as I speak and act straightforward in the tracks of the Democratic party, I always expect to be. That charge has no terrors for me. I had rather be the butt of the Whigs than the *pet* of the rottenest party that ever lived, viz., the Conservatives.

"But this very courteous gentleman proceeds next to say, "The opinions and denunciations of such a man, upon such a question, are, if possible, of less importance even than the ridiculous pretenses upon which he endeavored to found them." The notice he has paid my remarks shows that he considers them of some importance; and I shall thank him for his kindness in thus attacking me, if this attack shall only cause my speech to be generally read, so that I may be heard as well as himself. There must have been something in those remarks unusual, or they would not have caused such "ado," as he pretends, "about nothing."

"His speech at least explained one point very clearly. It showed fully the reasons why he has failed to acquire the slightest consideration in the House."

"Granting his position, yet still those who live in glass houses should not throw stones. This House has not officially expressed any opinion of me. I ask Thomas Ritchie to show me one of his predecessors in the vocation of public printer and conductor of the executive press who has ever been treated so badly as he has. Instead of attacking and denouncing me, the best thing he can do is rather to pat me on the back, and express his sympathy with me as a companion in tribulation; and the best thing I can do is to seek his company, if this House shall ever treat me as badly as it has treated Mr. Ritchie. I express no opinion as to how far this treatment was merited. When this man undertakes to administer a flagellation to a citizen of Illinois, he may perhaps feel himself stronger than if he were attacking a man of the South, where he is best known. But this is a vain supposition. And this work is not what he was brought here for. He was brought here to do what Blair & Rives scorned to do, and what he is the only man of his talents in the United States would consent to do."

This reply was copied into the "Union," whose editor re-

joined. On the day of publication, Mr. Wentworth attempted to speak in further reply. To effect this object, unanimous consent was required. Objections were made on the Democratic side. Mr. Wentworth then endeavored to speak directly to the bill under consideration, but incidentally to the remarks of the "Union." As often, however, as he made any allusion to that paper, he was called to order by members on the Democratic side. He finally abandoned the attempt, and gave notice that he should publish what he intended to say. He did so in the "National Intelligencer," the remarks having, he says, been offered to the reporters at the desk of the "Union," and there refused.

These remarks were as follows :

"For making a speech in defense of my course upon three questions, viz., improvements of harbors and rivers, a tax upon tea and coffee, and the exclusion of slavery from territories where none now exists, I was grossly assaulted by the editor of the Union. This was an attack not only upon me, but upon the people whom I now represent.

"I had voted for harbor and river bills repeatedly before my last triumphant re-election, as had some of the most distinguished gentlemen in the Democratic party. Among them I notice even a Democratic member from the President's own state [Mr. Stanton]. In addition to the approval of my immediate constituents, I send you to be read the following recent instructions from the Legislature of Illinois :

"*Resolved by the Senate (the House concurring herein), That our senators in the Senate of the United States be instructed, and our representatives be requested, to use their best exertions to procure at the present session the passage of a law by Congress making appropriations for the improvement of the Mississippi River and the lake harbors.*

"*Resolved, That the governor be requested to forward a certified copy of this resolution to our senators and each of our representatives in Congress.*

"*NEWTON CLOUD, Speaker of the House of Representatives.*

"*JOSEPH H. WELLS, Speaker of the Senate.*'

"I had always been for free tea and free coffee; and whenever I spoke upon the Tariff Question, I so told my constituents, and they sustained me. And upon my resolution I was sustained by a majority of the Democratic party of this House. At the last session, the Democratic chairman of the Democratic Committee of Ways and Means moved to strike out the tea and coffee tax, and the Democratic House of Representatives concurred with him. That Committee of Ways and Means, still Democratic, refuses to report the tea and coffee tax. Of the five members upon that committee, three of them voted for my resolution.

"Talk as you please about letters here from persons of my district, hoping to whine themselves into office by misrepresenting public sentiment there, I must be permitted to say that I have letters—an immense quantity of them, too—from men of all classes—from laborers, farmers, mechanics, &c., the bone and sinew of the Democracy—sustaining me. Here is the way they talk: I will read but one :

"I can not close this note without bearing testimony to the golden opinions you have won for yourself from all parties here in the noble stand you have taken



in relation to the odious tea and coffee tax. That was a noble deed, that resolution. The poor will bless you for it.'

"Sir, I can show the names to my letters. I shelter myself behind no anonymous correspondence.

"The Wilmot Proviso also received my support before my last election, as it did that of an overwhelming majority of the Democrats from the non-slaveholding states of this Union. The most of the free states have instructed their senators and requested their representatives to support the doctrines of that proviso. Those instructions from New York and Pennsylvania, just arrived, had only fifteen votes opposition in both houses in both states.

"The cry that this proviso should come up as a separate bill, on its own merits, is as deceptive as was the kiss of Judas. Its friends have tried every honorable means to bring it before the House, and they still are anxious to take it up by itself, and then, when both houses have passed it, and the President has signed it, its friends will be the last to embarrass the three million proposition. I call upon men making this cry to show their sincerity now, while they have an opportunity, and I promise to aid them. I remember that Texas was rushed into the Union ahead of Oregon by a like deceptive cry. That secured, half of Oregon was given away. When Northern men objected to so much slave power in Texas, the cry was, 'Oregon will balance it!' Now, half of Oregon is gone to Great Britain, and the slave power claims the balance. Look at the vote in this House! It was purely sectional. And yet, with the fact staring us in the face that the Senate committee have moved to strike out the free clause in the Oregon Bill, we are again asked to 'lie low and keep dark' upon the subject of slavery in California. I will do no such thing. On the contrary, I proclaim the alarm to the North, and tell it that, while the Wilmot proviso passed this House at the last session, there is danger, great danger, that the Herculean efforts made here to defeat it will prevail. The ayes and noes upon Mr. King's proposition show its fate when taken by itself, and it now must go with the Three Million Bill, or free labor is shut out of the Californias forever.

"My offense hath 'this extent, no more.' The assault upon me is generally believed to have been intended for others through me. Injure me it could not, as I am re-elected, even if my constituents thought otherwise upon the points. But there are Democrats entertaining similar opinions who are candidates for re-election. I was perhaps selected as the originator of the anti-tax resolution, and the maker of the first speech in defense of it. In this light I stood out as a mark for my opponents, like Saul among the prophets, head and shoulders above the rest. My time lasts as long as that of the present administration does—an administration that I have never attacked, unless my independence as a legislator in opposing measures upon which I was pledged before I came here may be so considered. If to vote against the measures recommended in any instance by the administration be to oppose it, then there stands not one, no, not one, as the journals will show, out of this opposition. To mention one more instance in the Tennessee Democratic delegation, I have recently had my attention called to the fact that two others [Messrs. Jones and Martin] bolted at the last session on the Attorney General Question, as recommended by the President.

"I said the other day that I should support Mr. Polk, any member of his cabinet, or any other Democrat who should be the nominee of the next Baltimore Convention: and those constituents of mine, thus grossly assaulted through a representative who was elected the third time upon an avowal of these very sentiments, stand pledged to give that nominee a greater number and a greater majority than any other district in the United States. As to who shall be the nominee, I have no opinion now, and if I had, I would do nothing to bias the judgment of

the people in their conventions. And while I say this, I add that it is a notorious fact, that the ablest champions of the tea and coffee tax are opposed to having any convention at all to nominate a President, and will not agree to abide its decision. A larger number still will not agree to any nomination unless made by a two thirds majority.

"One more reason that the editor would not be likely to single me out personally for an attack is the fact, known to him, that I am one of his best patrons. I take a daily, four weekly, and twenty-five copies of the tri-weekly Union, making eighty-five copies of his paper sent to my district weekly. I have never feared to have his tea and coffee strictures read in my district.

"Again: although re-elected, I believe no member of Congress has sent more Democratic speeches to his district in favor of the administration than I have, and the books of Messrs. Blair & Rives will show for themselves. Why, sir, I have sent home five hundred of the speech of Hon. Barclay Martin, the member of Congress from Mr. Polk's own district, five hundred of Mr. Jones, of Georgia, five hundred of Mr. Bowlin, of Missouri, &c., comprising an assortment of all the speeches delivered. Yet, forsooth, the cry is, 'Shoot the deserter!'

"This is the way I oppose Democracy. And, sir, I contend, for a great variety of other reasons, that this attack was not made for me alone. Nail me to the wall, and there is a lesson for others:

" 'Ye living men, come view the ground  
Where you must shortly lie.'

"But I hope members will not be intimidated, but will stand up, in spite of all opposition, to those questions where the interest of their constituents are so deeply involved.

"Another design was to strike another blow at the candidates for the presidency from the free states, and thus make more sure the election of his favorite. It is known that we have some free-state Democrats still *unkilled*.

"In one respect, this attack will have just the opposite effect from the one intended. It will do me good. It will show to my constituents that there is no power so great as to make me falter in the advocacy of their interests, or in redeeming the pledges made by me before my election. But for the effect of such attacks in New Hampshire, in Maine, in Virginia, in Kentucky, in Tennessee, and other states where elections are pending, and where men voting with me upon the subject of tea and coffee are candidates for re-election, I have fears, and so have the ablest Democratic newspapers and statesmen in this country. In what states can the Democrats carry the elections, if every man in the country who favors free tea and free coffee, Jackson's doctrine of improving harbors and rivers, and keeping slavery out of territory now free, is prohibited from voting the Democratic ticket? I protest against all such attempts to proscribe them.

"This attack, the day on which it was published, I repelled satisfactorily to myself. Neither my speech nor my subsequent defense have been copied into the Union, of which I take so many copies. Still insisting that I am a Whig, the editor of the Union gives notice that he has dropped me, and turns me over to my constituents: a tribunal before which I proudly appear, and to whom I never appealed in vain.

"Let those who read Mr. Ritchie's calumnies upon me remember that he has uttered worse ones against General Jackson, for which the old hero never forgave him, and scorned, under any and every circumstance, to ever write him a letter. He can not show even the autograph of General Jackson directed to himself. On the contrary, he warned, from the time he first heard of the proposition to the last hour of his life, the Democrats against the fatal consequences of making him the

organ. As often before, the predictions of Andrew Jackson have become history. He said his coming here would tend to that very result which now so disastrously threatens the Democratic party. In the Democratic Review for July and August, 1845, is a fac simile of an extract of what is said to be the very last letter of General Jackson. That extract tells what he thinks of Mr. Blair, proscribed to make way for Mr. Ritchie, and the suppressed part, with other letters of his in this district, will tell the balance.

“*Fac simile of the concluding paragraph of a Letter from General Jackson to F. P. Blair, dated*

“‘HERMITAGE, April 9, 1845.

“‘This may be the last letter I may be able to write to you; but, live or die, I am your friend (and never deserted one for *policy*), and leave my papers and reputation in your keeping. As far as justice is due to my fame, I know you will shield it. I ask no more. I rest upon truth, and require nothing but what truth will mete to me. All my household join me in kind wishes for your health and prosperity, and that of all your family, and that you may triumph over all enemies. May God’s choicest blessings be bestowed upon you and yours through life, is the prayer of your sincere friend,

ANDREW JACKSON.’

“Yet far more pleasure Blair in exile feels,

Than Ritchie with the loaves and fishes at his heels.

“Now, would it not be best, in all cases, to let Congressmen and their constituents settle their own matters, and especially an intelligent body of men like mine, who will always know how their representative votes, and who hold a more effective lash for the renegade than any editor in this district can wield?

“Had Mr. Ritchie referred me to my constituents and there stopped, I should have had nothing further to say. But he brings to his aid an anonymous office-seeker from Chicago, whose name he suppresses, lest it should of itself be a refutation of the lies contained in it. This letter, Mr. Ritchie ought to have known, was more intended as an attack upon the respectable office-holders in my district (one of whose places he wants, but whose character will ever prevent his getting) than upon me. Though a stranger to Mr. Ritchie entirely, he wants his influence as a passport to the ‘*loaves and fishes*.’ This political prostitute knows too much to apply to the Illinois people or to her delegation for office.

“Chicago people want their own wheat, corn, pork, beef, &c., taxed to make their harbor! Chicago people want tea and coffee taxed, when other articles will bear a duty with less oppression upon the poor! Chicago people in favor of slavery in Oregon and California! I pronounce all such assertions as this a gross libel upon her citizens. Her people knew that I was opposed to all this, and yet they gave me 800 majority, in spite of Whigs, Abolitionists, and Mr. Ritchie’s correspondent besides, and in my district they gave me nearly 6000 majority.

“Why should I turn Whig? I have received every office at the hands of every one that I ever asked to grant it. All my political aspirations have been realized, and the cup of my ambition is full. I hold the highest office in the gift of my people until the 4th of March, 1849. The Whigs of my district and state are in a hopeless minority, and hence they could not if they would, and they would not if they could, favor my claims for any thing. Mr. Ritchie, worse used than any other man ever known under such circumstances by the two Democratic houses, is out of office on the coming 4th of March. After that we shall hear no more of him as a public printer, and when the pap goes he goes. His ruling passion now is revenge; revenge for cutting down his pay and abolishing his office. Hence his attacks upon the majority of this House for passing the Harbor and River Bill, the Wilmot Proviso, and the resolutions against taxing tea and coffee.

By his personal attacks on me, re-elected, he hopes to defeat, and thus revenge himself upon, members who are candidates for re-election.

"With these remarks, I postpone all further controversy with him until after the presidential election in 1848, and I will then let the public decide who has been the renegade, and whose course, his or mine, has tended most to the union, strength, and triumph of Democracy.

"[SUPPLEMENTAL.—All personal explanations are out of order. Let one man object to a personal explanation, and it is as good as any number less than one third of the House. Having the columns of the Union closed to me, I was desirous to see whether its supporters, on the issues it has made with me, would object to my replying to its attacks in Committee of the Whole, where a speech could only be made by unanimous consent. I persevered in my attempts to speak, until I must have satisfied every one that objections would be persevered in to the very last. My object was attained. The Union would not publish my remarks, and its friends objected to my speaking. The Union of Sunday morning represents that there were many disgraceful proceedings in the House, in order to hinder my reply to its attacks. If this were so, it is only disgraceful to those who would resort to them, and never can injure me. But, so far as my knowledge extends, the proceedings were entirely respectful, and the objection to my speaking was confined to the points of order, which, I am free to confess, were against me, if persisted in. But it was necessary for me to show to the world how far the opposition to me upon these issues was carried. So, whether the Union's report be correct or incorrect, is more a matter concerning those desiring to proscribe me, and, through me, all those whose sentiments I correctly represent, than myself.]"

The "Union," under the usual head, published a report of the day's proceedings. It represented Mr. Wentworth as having been arrested in his efforts to speak by the cries, jibes, and hisses of an indignant House. Mr. Douglas, now one of the senators from Illinois, called the attention of the House to the report, and introduced a resolution providing for the expulsion of the reporters of that paper, "on account of the false, slanderous, and disrespectful report of the proceedings of this House on Saturday last, so far as it relates to the conduct of the House on the occasion of Mr. Wentworth's remarks." [These are the words of the resolution, as modified.] Mr. Douglas, in strong terms, denied the truth of the report. Mr. Kennedy, of Indiana, asserted that it was about as true a report as could be given of what he termed such "a rowdy scene." Mr. Wilmot, of Pennsylvania, reprobated the attempt of any newspaper to bring down, through its reporters, the moral power of the House to crush any individual whose course might be supposed objectionable. He denied that such a scene as that represented had taken place.

Mr. Douglas finally so modified the resolution as to provide for the appointment of a committee to examine into the truth of the report, and the other facts, &c.



This was on the 8th of February. Congress was to adjourn on the 4th of March. The time was so short that the committee could scarcely hope to report before the day appointed for closing the session. In the mean time, the controversy dropped, and the committee, after merely organizing, asked to be discharged.

Mr. Wentworth did not, in any degree, falter in his opposition to the tea and coffee tax, and to no man is more credit due for its defeat than to him.

By the defeat of the River and Harbor Bill of the *second* session of the twenty-ninth Congress [see page 264], being the second defeat since the commencement of Mr. Polk's administration, all hope for measures of the kind, save in a two thirds' vote, seemed to be at an end. To effect this object, an appeal to the people, without reference to party lines or distinctions, seemed to be indispensable. Accordingly, a meeting was called at Chicago, without distinction of party, and Mr. Wentworth was appointed chairman of a committee to draft an address to the people of the United States. During the previous fall, meetings had been held in several of the Eastern cities, and Chicago was designated as the proper place in which to hold a River and Harbor Convention.

Mr. Wentworth's first impressions of the policy of this movement were not such, we think, as to induce him to give it immediate encouragement; at all events, our recollection is, that in the first instance he did not at once do so. He was in favor of a quiet course until the Committee on Commerce should once more have tried their hands at framing another bill to be presented for the signature of the President. We have shown how that experiment failed, and have recorded [page 294] the address of the committee appointed by the citizens of Chicago. That address was penned by Mr. Wentworth.

Soon after the Convention was called, a very animated discussion arose as to the mode of choosing delegates. Some of the prominent men and newspapers at Chicago were in favor of a limited number of delegates. Mr. Wentworth wished it to be "every body's Convention." He thought that every town should elect delegates, for the purpose of being represented. When that great object was secured, the town was certain of a voice in the Convention; but that consideration should be no

bar to the attendance of all who wished to go. The invitation had been given to every body, and he thought that every body should be left free to come. The object of the Convention was to arouse the people of all classes. The appeal was to the voters, and he wished all who *could* vote to consider themselves invited. We have given some interesting facts connected with the Convention under its head. Never before had there been such a gathering in Illinois. Public and private houses and steamboats were equally full. The city was crammed to overflowing; and, in the grand mass, so little attention was paid to delegates, that all that could be known of them was, that they were requested to hand in their names to the president to be published with the proceedings. In the Convention, Mr. Wentworth is known to have devoted all his energies to render its proceedings harmonious, urging upon the members to forget all their political prejudices, and to look with a single eye to the one great object that had called them together. Speaking of the result of the Convention, he held this language:

"John Tyler was elected by the Whigs and James K. Polk by the Democrats. Both of these gentlemen have vetoed our bills. Hence the two parties are even in this respect, and we have no doubt that it is a fixed fact that no person of their sentiments can ever be elected again.

"The result of this Convention, then, is the marking out of a common test to be applied to every man who aspires to the Presidential chair, and which must in every instance be applied. Hereafter the West must be respected, and her commerce must be protected as well as that of other portions of the Union; and the iron rod wielded over her by Southern despots must be broken. The Constitution was intended for the great West as well as for the South, and this Convention shows to the world the doctrine upon which the West ever after means to stand, and which every one must advocate before he can receive her votes."

At the commencement of the first session of the thirtieth Congress, Mr. Wentworth, though the Democratic party was in a minority, was again placed on the Committee on Commerce. We have recorded [see page 292] the resolution offered by him as to the power of the general government to construct harbors and improve rivers.

At this session he advocated the single bill system, supposing that, while some bills for particular objects might fail, others might be passed by a vote of two thirds. This plan was opposed in committee, and the matter was compromised by the assent of the committee that the two strongest points—the harbor of Buffalo and the Mississippi River—should be embraced

in single bills, so as to test the comparative chances of the methods of legislation. We have given [see page 470] the results of the legislation of the session on this subject.

Mr. Wentworth was a member of the Committee on Territories during the twenty-eighth Congress. He was foremost among those who, from first to last, stood out for the claim to the whole of Oregon, and spoke and voted in favor of its maintenance to the Russian line. He was one of the number [see vol. i., page 114] who voted in favor of the resolution declaring that the Oregon Question was no longer a subject of negotiation or compromise. It is not requisite that we should go into details. It is enough to say that he sustained all the Oregon bills, alone and united, giving that the preference which was most likely to pass. In respect to the "Notice" [see p. 89, vol. i.], he thought it was immaterial by whom it was given to the British government, whether by the President or by Congress, provided it were given immediately. He was opposed throughout to all concessions. He can not yet understand how it is that a title which, at the second session of the twenty-eighth Congress, was deemed so good as to secure the passage of a bill through the House of Representatives, extending jurisdiction over the Oregon Territory up to fifty-four degrees forty minutes of north latitude, by a vote embracing all the Democrats of the House save five, should, at the very next session, be found to be good only to forty-nine degrees. At times he has thought there was some mistake, which a little patient investigation might explain; but, for the most part, he leans strongly to the opinion that the "backing out" which John Quincy Adams predicted has actually taken place, and he is known to be afflicted with severe dyspeptic symptoms whenever any kind but ill-judging friend happens to speak of those "irrefragable facts and arguments" which satisfied Mr. Polk that the American people ought forthwith to appropriate the whole territory to themselves. He regards the matter as an evidence of the instability of human possessions and the deceptiveness of human hopes. He has been known to denounce the whole transaction as "humbug," a term unmusical, perhaps vulgar in itself, but implying a peculiar attribute or character not defined by any other word in the English language. He had some difficulty in ascertaining with any precision who had been

“the dupe,” the Democratic president or the Democratic party ; but his mind is understood to be at last decided, and he thinks that the record—even now made up—will settle that point to the satisfaction of future ages. He told his people that they should have fifty-four degrees forty minutes even to the tick of the clock. In giving him credit for sincerity in holding out to them hopes never to be fulfilled, we do more than we are willing to do in some other instances. And so, peace be to the shades of Oregon !

“Enough—enough is said ;

A generous foeman wars not with the dead.”

Mr. Wentworth voted for the annexation of Texas, and was, from the beginning, one of the warmest advocates of that measure. He voted for the Mexican war, and has supported all the measures for its prosecution. He was in favor of increasing the pay of the soldiers in that war, and of granting them bounty lands.

His votes in Congress, and his whole course there, will justify us in placing him among the firmest advocates of the principles of the ordinance of 1787, as applicable to new territories. Through evil and through good report he has sustained the doctrine of the prohibition of slavery. He has voted to insert the proviso of the ordinance in every Oregon Bill that has been before the House since his election ; and he was present at the original consultation, which resulted in offering the Wilmot Proviso to the “Two Million Bill.” He alone, we believe, of the entire Illinois delegation, voted for it when offered. He has voted against all bills for the organization of new territories which did not contain this provision. At home and abroad, before the people and before Congress, he has worked for it. He was also, we believe, the only member of the delegation who voted for the repeal of the rule commonly known as the *twenty-first*, prohibiting the reception of all petitions concerning the abolition of slavery.

He has supported the sub-treasury system from the time at which it was first proposed by Mr. Van Buren, and he voted for the law now in existence which sanctioned it. He voted, also, for the warehousing system, and, at the session of 1845-6, introduced a bill looking to the accomplishment of that object.

He has favored all measures looking to the graduation and

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reduction of the price of the public lands; to the decrease of the number of acres which any man might enter; extending the time for perfecting titles by pre-emption; and to making grants of lands to the landless, to the soldiers in the wars of the United States, and donations of land to the states in aid of their works of internal improvement. During the last session he introduced a resolution in favor of granting lands to all landless persons, and also for extending the time for perfecting pre-emptions from one to three years. During the session of 1843-4, he introduced a bill to grant a donation of land for the further prosecution of the Illinois and Michigan Canal. On this bill it was that his colleague [Mr. McClelland] made the report elsewhere alluded to. [See vol. i., page 521.]

Mr. Wentworth has been a friend of the project for a canal round the Falls of Sault St. Marie. During the session of 1844 and 1845, he introduced a bill which ceded to the states the lands lying within them, and which granted to all the new states such a quantity of land as would make it equal to the amount granted to Ohio. The lands in his own state, when he first entered Congress, were not taxed, as we have said, until five years after they were sold. This limitation is now repealed, a result in behalf of which he strongly interested himself.

The first memorial in favor of the present law extending maritime jurisdiction over the Northern lakes and Western rivers originated with him. It was a matter in which his constituents felt the deepest interest. He laid the subject before Mr. Wilkins, then chairman of the Judiciary Committee. When that gentleman was appointed Secretary of War, Mr. Wentworth urged on the then speaker, Jones, the propriety of appointing his colleague, Judge Douglas [see vol. i., title S. A. DOUGLAS], to fill the vacancy. The speaker appointed him, and, through his instrumentality, the bill was passed, and is elsewhere duly credited by us [vol. i., page 161].

He has exerted himself particularly for the establishment of new mail routes and new post-offices, and otherwise toward increasing the mail facilities in his district. He has made it his duty each quarter to ascertain the amounts of postage on each route, and the moment they exceeded the amount paid to the contractor for carrying the mail, he at once applied for an increase of the trips; and where there were no routes, the mo-

ment there was any thing like a settlement, he always insisted upon the establishment of special offices.

We notice, also, his efforts to procure the establishment of a marine hospital at Chicago, and to make a collection district in that city. A bill for the last-mentioned purpose was finally passed through both houses. He also drew up and reported the bill which was passed at the last session for the support of the light-house system.

We accord to him a willing spirit, at all times manifested, to do justice to all classes of private claimants upon the government. The cases of "*old* soldiers," particularly, seem to have attracted much of his attention, for the reason explained by himself in his speeches, that the surest way to obtain *new* soldiers in our future wars is to do justice to the *old* soldiers whose valor and whose blood have secured so much imperishable glory to the American name. He also sustained the measure of Irish relief, commonly called the Half Million Bill. [See title, WASHINGTON HUNT, vol. i., page 357.]

We mark him down a man of untiring energy, whose mind, once fixed upon a project, is not apt to be diverted from it, but will make every consideration secondary to its accomplishment. Possessing a good knowledge of parliamentary tactics, and conversant generally with the means of success in any movement he may make, he calculates coolly and afar off, and turns every little circumstance to good account. We have seen him stand up in the face of denunciation and excommunication fierce enough to awe into submission any mind accustomed to acknowledge the obligations of that austere discipline which is characteristic of the Democratic party. If he has winced, we never saw him.

As a good local representative, he has few superiors, perhaps none.

































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